



VOL. CXVII

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No. 43

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### NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. Note: Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

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Applications, stating age, qualifications and experience, together with the names of three referees, to be forwarded to the Clerk of the County Council, County Hall, Preston, by Monday, November 16, 1953.

### DURHAM COUNTY MAGISTRATES' COURTS COMMITTEE

**Appointment of Justices' Clerk's Assistant for the Petty Sessional Division of Chester-le-Street**

APPLICATIONS for invited for the appointment of a whole-time Assistant to the Clerk to the Justices of the above-named Petty Sessional Division. Applicants must have had considerable magisterial experience, be competent typists, capable of issuing process, keeping the accounts, and taking an occasional second Court.

The appointment will be superannuable and will be subject to one month's notice on either side and the successful applicant will be required to pass a medical examination. The salary applicable is the General Division Scale.

Applications, stating age, qualifications and experience, to be accompanied by three recent testimonials, should be addressed in the first instance to Harold Race, Clerk to the Justices, 135, Front Street, Chester-le-Street, to reach him not later than October 26, 1953.

J. K. HOPE,  
Clerk to the Magistrates' Courts Committee.

Shire Hall,  
Durham.

### CITY AND COUNTY OF KINGSTON-UPON-HULL

**Appointment of Whole-time Female Probation Officer**

THE Probation Committee for the above City invite applications for the appointment of a Whole-time Female Probation Officer.

Applicants, other than serving Probation Officers, must not be less than 23 nor more than 40 years of age.

The appointment will be subject to the Probation Rules and the salary paid will be according to the scale so prescribed.

The successful applicant will be required to pass a medical examination and the salary will be subject to superannuation deductions.

Applications, stating age, present position, qualifications and experience, together with copies of two recent testimonials, must reach the undersigned not later than November 14, 1953.

T. A. DOUBLEDAY,  
Secretary to the Probation Committee.

Law Courts,  
Kingston-upon-Hull.

### COUNTY OF SOMERSET

**PETTY SESSIONAL DIVISIONS OF KEYNSHAM AND WESTON (BATH)**

**Appointment of Part-time Clerk to the Justices**

APPLICATIONS are invited from persons qualified in accordance with the provisions of the Justices of the Peace Act, 1949, for the above part-time appointment.

The two Petty Sessional Divisions have a total population of approximately 26,867.

The personal salary in respect of the appointment will be within the scales of salary for part-time Justices' Clerks agreed by the Joint Negotiating Committee for Justices' Clerks.

The appointment is subject to the provisions of the Local Government Superannuation Acts, 1937-1953, to a satisfactory medical examination, and to three months' notice on either side.

Staff will be provided and accommodation is available at the Court House, Keynsham.

The Clerk will be required to take up his duties on May 1, 1954.

Applications, stating age, qualifications and experience, together with the names and addresses of three referees, should be sent to the undersigned not later than November 6, 1953.

E. S. RICKARDS,  
Clerk of the Magistrates' Courts Committee for the County of Somerset.

County Hall,  
Taunton.  
October 14, 1953.

### Amended Advertisement

### COUNTY BOROUGH OF SOUTHAMPTON

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APPLICATIONS are invited from Solicitors for the post of Deputy Clerk to the Justices at a salary which accords with A.P.T. Grade X of the National Joint Council's Scheme for Local Authorities (£895 to £1,025 by three increments of £40, £40 and £50).

Applications, stating age, qualifications and experience, together with copies of three recent testimonials, should reach me not later than October 30, 1953.

ARTHUR J. ROGERS,  
Clerk to the Justices.

Magistrate's Clerk's Office,  
Law Courts,  
Civic Centre,  
Southampton.

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C. PETER CLARKE,  
Town Clerk.

Town Hall,  
Peterborough.  
October 7, 1953.

# Justice of the Peace and Local Government Review

[ESTABLISHED 1837.]

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## NOTES of the WEEK

### Magistrates' Association : Annual Report

Membership of the Magistrates' Association continues to increase, and the thirty-third annual report shows that more than half the active magistrates in the country have joined. The Association still aims at a membership which will include the substantial majority. It has managed to continue its activities without any increase in the annual subscription since the foundation of the Association.

An important feature of the work of the Association is the holding of conferences in all parts of the country which are addressed by speakers who are expert in various branches of magisterial work, or in penal administration or social service. Week-end conferences are the fashion nowadays, and the Association has held three such, at which members living together for a day or two have found opportunities for discussion and exchange of experience as well as attendance at lectures.

The policy of encouraging the formation of branch societies is being followed and there are now three, one in the north-east, one on Merseyside, and one for Cardiff and district. The experience of other organizations has been that branch societies stimulate interest, and in no way weaken the parent society.

Among the many subjects that have been discussed by the Association and on which it has made recommendations, is that of road safety. Magistrates are often criticized for not imposing adequate penalties or making sufficient use of their powers of disqualification. The Association has its own views on this question of disqualification, and has made some specific proposals which deserve careful consideration. The Council feels that magistrates should be given greater discretion about disqualification, but it will no doubt be said that, if they do not use their present discretionary powers sufficiently, it may be better that there should not be any substitution of discretionary powers for compulsory disqualification where it exists at present. The proof of previous convictions in road traffic cases, when the defendant is not present, is a matter which many people consider ought to be dealt with by legislation, and the Association has had this in mind.

An interesting item in the Report is the following : "The Committee is planning to hold an exhibition next year to show the development and growth of magistrates' work, coinciding, if possible, with the Annual General Meeting in 1954."

What kind of exhibits are contemplated we are not told, but we have no doubt this has all been thought out and that such an exhibition will prove instructive.

### A Case under the Firearms Act

We are indebted to Mr. J. Matthews, clerk to the justices, for a copy of the judgment delivered by the justices at Whitley Bay,

the effect of which was stated briefly in our Note of the Week at p. 602, *ante*.

In a clear and carefully considered judgment, the proper meaning to be attached to the words "weapon" and "noxious" was examined, and reference was made, by way of comparison, to words contained in the Prevention of Crime Act, 1953. The justices emphasized the importance of the question of intention, and found there was no evidence of intention to cause bodily harm by using a noxious fluid.

It may be of interest to our readers to know the nature of the device as described in the judgment. "The device consists of two portions connected by a screwed sleeve. One portion is designed to hold the charge of liquid and is fitted with a freely moving piston and a screw-on nozzle with a fine aperture. The other portion consists of a tube, to which a sparklet bulb can be fitted and a hand-operated steel plunger with a sharp point, capable of piercing the bulb and releasing the carbon dioxide gas which projects the liquid about 20 feet with a spray of 3 feet diameter. It was intended for use by staffs of jewellers' shops, business premises and banks as a protection against thieves. The thief would be sprayed with an ordinary, harmless indelible dye with a pungent odour."

We are informed that the prosecution has decided not to appeal, and therefore the matter will not be decided authoritatively by the High Court. The justices in their judgment recognized the danger of putting the device on the open market, in that a noxious liquid might be used by an evilly disposed person. Whether the law needs amendment is a matter of opinion, and we do not know what may happen as the result of this case. What does seem clear is that the device could serve a useful purpose in the hands of the right people, and do no injury to anyone, but that in the hands of criminals it might become an additional dangerous weapon.

### Probation Officers and Religious Tests

There is no doubt that most probation officers have a sense of vocation and are inspired by their religious belief. In the annual report of the Magistrates' Association, it is stated that the Council has been considering the qualities required by probation officers, and has passed the following resolution, which was sent to the Home Office :

"That this Association is of the opinion that a sense of spiritual values and a belief in the influence of religion should rank very high indeed in the qualifications required of all probation officers." The report goes on :

"During a full discussion on the question, many members urged the value and importance of religion in the training and rehabilitation of offenders, while others drew attention to the danger of denominational tests which might be the natural

corollary to a demand that all probation officers should have some religious qualifications."

We are in entire agreement with the resolution, and we think that it goes just far enough. Out-and-out atheists are most unlikely to be candidates, or, if candidates, to be accepted, for probation work. Agnostics are in a different category and not usually opposed to religion. Some might make excellent probation officers, though we believe not many offer themselves to the probation service. We feel sure that the present attitude of those responsible for appointments is generally in accordance with the resolution.

### Poor Prisoners' Defence : Fees and Expenses

The Secretary of State has made the Poor Prisoners' Defence (Fees and Expenses) Regulations, 1953 (S.I. 1429), dated September 24, which came into operation on October 5, increasing the fees allowed to solicitors and counsel undertaking the defence of poor prisoners. The Costs of Poor Prisoners Defence Regulations, 1930, and the Costs of Poor Prisoners Defence (Amendment) Regulations, 1944, are revoked. The fees prescribed represent in each case an increase of fifty per cent. on the corresponding fees prescribed in the revoked regulations.

New provision is made (regs. 1 (2) and 2 (2)) whereby, if a trial lasts more than two full days, a daily fee for the third and every subsequent day will be payable to the solicitor and counsel assigned under a defence certificate, or to counsel undertaking a defence at the request of the presiding Judge.

Increases are also provided for in the case of appeal aid certificates by the Appeal Aid Certificate (Fees and Expenses) Rules, 1953 (S.I. 1428).

Other regulations which should be noted are the Criminal Appeal (Fees and Expenses) Regulations, 1953 (S.I. 1430).

### Problem Prisoners

Magistrates' courts, in common with other criminal courts, are from time to time confronted with the task of deciding what to do with an offender who is neither insane nor mentally defective, but whose mental condition makes him unsuitable for ordinary prison discipline. Often these appear to be dull and irresponsible, but they are so persistent in crime as to be a constant nuisance while they are at large. Sometimes they are sent to prison, simply because no other course seems possible, sometimes a probation officer is saddled with an unpromising case. What is often suggested is that a new type of institution is needed.

At York Quarter Sessions recently a man was sentenced to eight years' imprisonment on charges of house breaking and stealing. It appeared that the prisoner had suffered a head injury through a parachute accident while he was in the army, and that his mental condition was affected. The learned Recorder asked a prison medical officer whether there was any kind of treatment suitable for a man of this type, and was told by the doctor that there was no such institution in this country at present, but it was hoped to establish one in two years, on the lines of one in Denmark, where there would be more freedom than in prison and more discipline than in a hospital. The Recorder said that in the prisoner's own interests as well as for the protection of the public, a long sentence was necessary.

If the Danish type of institution has proved a success, it is certainly worth trying in this country. Exchange of views and experience between different countries can lead to improvements and innovations, and it may be that the establishment of such an institution as was mentioned at York will enable courts to pass sentences which, while providing protection for the public, will not involve ordinary imprisonment in cases where the court feels that this is not appropriate.

### Local Government at Margate

Supporters of the Government gathered at this Town of Conferences to discuss local government affairs.

It is well known that the Government have a greater tendency to decentralize administrative responsibility than their opponents, under whose régime important powers and functions were withdrawn from local authorities. In the years since the war, Whitehall has become congested with the mass of administrative responsibility which it has been called upon to undertake, and Ministries have tended to become bottle-necks through which decisions filter all too slowly. It was therefore refreshing to hear Sir David Maxwell Fyfe announce the Government proposal that local authorities should have the responsibility of administering and enforcing new legislation on health welfare and safety in non-industrial premises, shop hours and employment of children. If local government is going to attract representatives of calibre, they must be given power to carry out worth-while functions when elected to office. It emerged from the discussion on housing that the Government will maintain their housing output at the constant level of 300,000 houses a year, and further emphasis will no doubt be placed on occupier-ownership rather than on subsidized council house tenancies. There can be no valid reason for hard-hit taxpayers and ratepayers subsidizing council house tenants who may be far better off than they, and well able to do without their subsidies. Mr. Marples, Parliamentary Secretary to the Ministry of Housing and Local Government, drew attention to the fifty per cent. increase in applications for loans for private houses received by a leading building society—an all-time record. This was impressive evidence of the increased demand for private ownership.

Turning to health, Sir Hugh Linstead, M.P., was a stalwart supporter of a vigorous Health and Hospital service in localities. He was critical of the present system of Hospital Management Committees which, he complained, gave little chance of spreading expenditure intelligently and no incentive to accumulate money for worth-while projects. He felt that there could be economies if the regions and committees were permitted to include in their estimates for the ensuing year any savings effected in the last year, for which their accounts had been closed.

In his view a local hospital should not be a place "of mystery and fear." Open days should be organized and "friends of the hospital" encouraged. Sir Hugh also advocated the wide provision of "Halfway houses" to enable convalescents and chronic sick to be tended outside hospitals, and urged every endeavour to keep alive the independent associations of district nurses working with the local health authorities.

Professor Bodkin made an unusual contribution on the cultural activities of local authorities. He was especially critical of the hoarding of junk and exhibits by (what he called) "amateur committees" having "no personal liability for the purchase price" and "being in no danger of finding their pretensions to taste and knowledge upset by the re-sale of their acquisitions." Matters of artistic taste are notoriously prolific of controversy and Professor Bodkin's observations will be no exception to this tradition! The Professor was particularly severe on what he termed the bureaucratic control of artists, and he belaboured the aesthetic judgments of the British Council, the Arts Council and the Council for Industrial Design with all the gusto one associates with the individualism of an artist.

### Single Health Areas

Professor Fraser Brockington, Professor of Social and Preventive Health in the University of Manchester, expressed the

view at the recent conference of the British Hospitals Contributory Schemes that there should be one health area and one governing body for hospitals, family practice and local health services. This suggestion was the culmination of an address on the whole subject, starting from the viewpoint that the most important aspect of the health services problem is care in the home. He thought there was a danger that people might think that the application of medical science could only be properly conducted within the four walls of an elaborately equipped institution and feared that medicine was specializing to such an extent that people had begun to believe that the only real doctors were specialists. Speaking of the rapid increase in the number of the so-called aged persons Professor Brockington said there was now the appearance of nutritional disease among the aged that had disappeared in other groups. He did not believe that the medical problems of the aged could be separated from their welfare needs. The doctor today found that much of his time spent with the aged was wasted because he came too late. Professor Brockington suggested that some method must be built up by which the health of the aged could be promoted at an earlier stage, which was fundamentally the work of the health department staff and the family doctor together, with the assistance of other forms of help in a specialist capacity under the welfare arrangements in the National Assistance Act. He said there was a much higher mental health among the aged outside institutions than among those inside institutions. Turning to the question of co-operation within the health service, he said there was a point beyond which people were unable to operate together if the machine was too complicated. That was why he advocated drastic changes in the administrative arrangements.

### The Ageing Population

The Department of Health for Scotland has published under this heading a report by the Standing Medical Advisory Committee of the Scottish Health Services Council. The report is the result of an intensive investigation as to what the health services can do to meet the medical needs arising from an increase in the older age groups of the population. Evidence was taken from representatives of general medicine, public health and voluntary agencies. It will be very useful for the various authorities concerned with this problem in Scotland to have such a valuable document, which outlines the fundamental principles underlying the care of the elderly, and brings together aspects of the problem which concern the several branches of the health services. Although the facts contained in the report emanate from experience in Scotland, the recommendations and conclusions must also interest those concerned with the same problem in England and Wales. It is emphasized that the problem is more domiciliary than institutional, and concerns social medicine and medical administration more than medicine; that the essence of the matter is to assist elderly people to remain for as long as possible in health and comfort in their own homes; and that hospital care and hostel or other accommodation for the infirm aged, though necessary, are only supplementary measures.

The report considers in detail the position in relation to the hospital service and the increasing waiting lists which include many elderly patients. It is suggested that where possible, elderly patients should go in the first instance to a general ward in a general hospital and should be transferred to long-term accommodation if prolonged treatment is found necessary. It is pointed out that the hospital service cannot function efficiently if there is a bottleneck at the discharging routine, and that there is a need for the development of long-stay annexes for patients who, although no longer in need of treatment in a general ward, still need more care than can be provided at home or in a hostel. It is also suggested that a small efficient staff for

after-care and follow-up would do much to reduce the need for hospital beds, and that there is considerable scope for the development of an after-care service for the elderly, as for those suffering from tuberculosis, by the local health authorities. The report refers in detail to the provision of hostels by local authorities and voluntary organizations, and draws attention to the need of more hostels for the frail, semi-ambulant old persons as an alternative to expensive hospital care. In connexion with elderly persons who can be helped to remain in their homes the view is expressed that voluntary organizations should be encouraged in their efforts for the welfare of such people.

Another interesting part of the report describes what is considered to be the role of the medical officer of health, whose professional status is that of a specialist in preventive medicine and social health, and whose statutory responsibilities bring him into direct relationship with the general practitioner, hospital and nursing services. It is recommended that the medical officer of health of each county and large burgh (in Scotland) should be charged with the general responsibility for prevention of disease and promotion of health in the old people in his area. This recommendation is in accord with the spirit of relevant provisions in the National Health Service Acts, but the committee thought it desirable that it should be stated clearly and unambiguously.

### The National Trust

The annual report of the National Trust for last year shows the increasing difficulties which are being experienced in maintaining the properties for which the Trust are responsible. Repairs and improvements since 1947 have only been possible by using the Jubilee fund raised in that year and which is now exhausted. It has been necessary therefore to impose a temporary standstill on all but essential improvements, and only the most urgent repairs and decorations will be carried out at properties where the cost would fall on general funds. A reserve fund has been created into which legacies and donations not allocated for a particular purpose will be paid, and which will be used in due course for the development of properties. The council appeal to members and supporters for donations to swell this reserve fund, but above all free money is needed. These economies will mean that the Trust must defer for the time being various schemes for the improvement of its properties, but they should ensure that the Trust's finances are kept upon a sound basis.

It is satisfactory to learn from the report that annual subscriptions increased by £5,300 and that legacies received during 1952 totalled £108,000, of which £52,000 was available for general purposes. Extra revenue was received also by an increase of visitors (other than members) of over 50,000 up to 650,000 to the 98 Trust properties at which an admission fee is charged. The number of members increased from 28,365 on January 1, 1952, to 40,300 on August 1, 1953. The council of the Trust welcome the passing of the Historic Buildings and Ancient Monuments Act, 1953, and consider that legislation should aim at the decent preservation of as many worthy houses as possible and regard as mistaken any policy of preserving a relatively limited number of buildings in perfect order. The council welcome the inclusion in the Finance Act, 1953, of a provision whereby chattels associated with houses belonging to the Trust, or with houses in which the government have an interest, may be accepted by the commissioners of Inland Revenue in part payment of death duties. Without some such provision, which the Trust has long advocated, it was inevitable that collections of pictures and other works of art should be broken up and sold abroad, to the lasting loss of this country.

## COMMISSIONS OF THE PEACE

[CONTRIBUTED]

With some exceptions, which for the present purpose need not be considered, the effect of the Jurisdiction in Liberties Act, 1535, is that justices of the peace have since been appointed by the Crown by letters patent under the great seal.

Commissions of the peace appointing justices were originally entirely personal to the sovereign issuing them, but by s. 5 of the Demise of the Crown Act, 1702, it was enacted that no commission of the peace should be determined by the demise of the Crown, but every such commission shall be and continue in full force and virtue for the space of six months next ensuing notwithstanding any such demise unless superseded and determined in the meantime by the Crown. Complementary to this, s. 8 of the Succession to the Crown Act, 1707, provides that no office under the Crown (which would include justices of the peace) shall become void by reason of the demise of the Crown, but every person holding office at the demise of the Crown shall continue in office for the space of six months next after such demise unless sooner removed by the sovereign next in succession. These provisions are still operative.

Originally, it was the practice upon the appointment of new justices to issue a new commission of the peace containing the names of both the continuing and new justices but, when the present forms of commission were settled by the Crown Office Act, 1877, and the Order in Council thereunder dated February 22, 1878, provision was made for the names of justices appointed to be placed in a schedule to the commission, with space for additions to be made of the names of justices to be appointed after the issue of such commission. It thus became the practice, on the appointment of new justices, not to issue a new commission, but merely to add the names of new justices to the schedule until the existing commission becomes unwieldy, or contains the names of an unusually large number of dead persons.

Following the death of Queen Victoria, in whose reign this practice originated, letters patent for continuing existing commissions of the peace were issued under the great seal on February 15, 1901, in these terms:

*Edward the Seventh by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To all to whom these Presents shall come Greeting*

*Whereas Commissions of the Peace under the Great Seal of Our United Kingdom have from time to time been issued by Our late dearly beloved Mother Queen Victoria and are now in force in the Counties Boroughs and places mentioned in the same whereby Her late Majesty assigned certain persons whose names are contained in the said Commissions and in the Schedules thereto to be Justices to keep the peace in the said Counties Boroughs and places with the powers authorities and privileges in the said Commissions set forth*

*Now Know Ye that We of Our especial grace Do ordain and declare that the said Commissions of the Peace shall continue and be of as full force and effect as if We had Ourselves issued the same and Our Name had been substituted therein for the name of Our late dearly beloved Mother Queen Victoria And We do hereby assign the said persons whose names are now contained in the said Commissions and the Schedules thereto or may hereafter be added to the same to be Our Justices of the Peace for the said Counties Boroughs and places with all the powers authorities and privileges granted by the said Commissions as fully as if We had issued New Commissions for the said Counties Boroughs and places,*

On July 2, 1901, the Demise of the Crown Act, 1901, was passed with retrospective effect from the death of Queen Victoria, and this enacts that the holding of any office under the Crown shall not be affected, nor shall any fresh appointment thereto be rendered necessary, by the demise of the Crown. This Act has the effect of continuing indefinitely in office justices holding office on a demise of the Crown, and no doubt also continues the commission of the peace in relation to those justices. Accordingly, it seems to have been concluded on the death of King Edward VII that further letters patent on the lines of those of February 15, 1901, were unnecessary and none were in fact issued during the early years of the reign of King George V. The Demise of the Crown Act, 1901, however, contained no express provisions for the indefinite continuation of commissions of the peace, such as s. 5 of the Demise of the Crown Act, 1702, did for the limited period of six months, and in *R. v. Holdich* [1920] 15 Cr. App. R. 122, the question was raised, but not decided, whether either the Crown Office Act, 1877, or the Demise of the Crown Act, 1901, then authorized the addition without resealing of the names of new justices to commissions of the peace issued by King Edward VII or confirmed by his letters patent of February 15, 1901.

*R. v. Holdich* was decided by the Court of Criminal Appeal on December 21, 1920, and, presumably to quiet any doubts raised by that case, letters patent were issued three days later, on December 24, in similar terms to those of February 15, 1901, continuing in force commissions of the peace issued in the reigns of Queen Victoria and King Edward VII and authorizing the names of new justices appointed in the reign of King George V to be added thereto. Similar letters patent covering commissions issued in the preceding reigns from that of Queen Victoria have also been issued at the beginning of each succeeding reign; in the case of King Edward VIII on January 31, 1936, King George VI on December 17, 1936, and Queen Elizabeth II on February 7, 1952. The last-mentioned letters patent are as follows:

*Elizabeth the Second by the Grace of God of Great Britain Ireland and the British Dominions beyond the Seas Queen Defender of the Faith To all whom these Presents shall come Greeting*

*Whereas Commissions of the Peace under the Great Seal have from time to time been issued by Our late dearly beloved Progenitors Queen Victoria King Edward the Seventh King George the Fifth and King George the Sixth for the Counties Liberties Boroughs and Places mentioned in the same whereby Their late Majesties assigned certain persons whose names are contained in the said Commissions and in the Schedules thereto to be Justices to keep the peace in the said Counties Liberties Boroughs and Places with the powers authorities and privileges in the said Commissions set forth*

*Now Know Ye that We of Our especial grace Do ordain and declare that the said Commissions of the Peace shall continue and be of as full force and effect as if We had Ourselves issued the same and Our name had been substituted thereon for the name of Her late Majesty Queen Victoria or His late Majesty King Edward the Seventh or His late Majesty King George the Fifth or His late Majesty King George the Sixth And We do hereby assign the said persons whose names are now contained in the said Commissions and the Schedules thereto or may hereafter be added to the same to be Our Justices of the Peace for the said Counties Liberties Boroughs and Places with all the powers authorities and privileges granted by the said Commissions as fully as if We*

*had issued new Commissions for the said Counties Liberties Boroughs and Places*

Where it is the practice to read the commission of the peace at the opening of quarter sessions and the current commission happens to be one issued by a deceased sovereign, it would

accordingly seem appropriate for the reading of this commission to be prefaced by the reading of the letters patent of February 7, 1952, or, alternatively, for the combined effect of the two to be read in abbreviated form by substituting the present sovereign for the one by whom the commission was originally issued. G.N.

## "THIS DESIRABLE PROPERTY . . ."

By PAUL T. W. BUTTERS

What is apt to make an auction sale a trifle dull is its utter lack of the unexpected. It has the awful inevitability of Greek tragedy and its procedure never varies. The vendor's solicitor reads the conditions of sale; the auctioneer invites questions and, if he knows his business, goes on rapidly, before anybody can think of any, and paints such a vivid word-picture of the property to be sold that you realize for the first time what a privilege it is to be permitted to bid for it. The bidding follows, the property is sold, a formal contract is signed, another piece of real property changes hands, and the auctioneer starts calculating what his commission will be almost as soon as the vendor's solicitor has started looking up his scale charge. Or alternatively, the property is not sold, a formal contract is not signed, the property stays where it is, the auctioneer and the vendor's solicitor look at each other unhappily and perhaps a little critically, and wonder whether they will be able to talk somebody into buying it when the sale is over—and, to give them credit, they very nearly always do.

Although I was very raw indeed when I attended this particular sale, the one lesson I had already learnt was to keep a steady head on my shoulders—and I use the expression in its literal sense. To betray the slightest movement of the head—or, indeed, of any part of the body—while bidding is in progress is fraught with danger, for auctioneers have a fiendish ability—shared, I believe, by the common house-fly—of detecting the slightest movement in any direction within a radius of a hundred yards or so and—unlike the house-fly—interpreting it as a bid. I still vividly remember going to a furniture sale not so long ago, nodding in a friendly way to three of my acquaintances in the front row, and finding to my dismay that I had purchased a set of Chippendale chairs, a hip-bath, and a parrot, in that order.

So I kept a very steady head indeed. I was prepared to cut my dearest friend if, in the process, I could avoid purchasing, say, a couple of condemned cottages and a small-holding. For I should explain that this was a sale of real property, and if you have any difficulty in understanding the difference between "real" and any other property, I am prepared to admit that I was in the same difficulty myself until I became better educated. As a lawyer, I can assure you that there is a difference and a very real one indeed. The painful fact is that lawyers are a mercenary lot and the only property that has any meaning to them is what they are pleased to call the "real" stuff—land, house property and the like. Anything else, such as the clothes you wear or the food you eat (or drink) they dismiss contemptuously as a sorry counterfeit of the real thing. They refer to it curtly as "personalty" and, so far as they are concerned, you can jolly well keep it because the Solicitors' Scale Charges don't apply to it.

From which digression you will have gathered that the auction I was patronizing on this particular evening was one of "real" properties or, to put it in its simplest legal terms, a sale of sundry messuages, tenements and hereditaments with the land forming the site and curtilage thereof and the yards, gardens, outbuildings and appurtenances belonging thereto—not to mention sundry exceptions, reservations, covenants, conditions and stipulations contained mentioned or otherwise referred to in

some conveyance or other, with an occasional informally apportioned rent charge or an equity of redemption or two thrown in for good measure. And when you realize that all those impressive things are festooned with countless whereases, aforesaid, heretofore, parties of the first, second, third, and (if you like) fourth parts, you will readily understand what a fascinating, fat-headed business conveyancing law can be.

I must confess that my interest in this sale was lukewarm until the announcement of Lot 7 awoke me from an uneasy doze, for I had been authorized by one of my infrequent clients to bid up to £850 for it; and since I was satisfied from a cursory inspection of it that it would almost certainly collapse in ruins within the next twelve months, I was fairly confident that I should be able to buy it for that modest figure, vacant possession and all.

The only information that had aroused a spark of interest in me up to now was the name of the auctioneers, which was the improbable one of Sloman, Rushaway and Company, and that of the vendor's solicitors which was the even more unlikely one of Bandygaff, Knockwell and Squirt. We were honoured by the attendance of the senior partner himself. Neither Mr. Knockwell nor Mr. Squirt was present for the simple reason that they had been dead for some time, and one look at Mr. Bandygaff assured me that the three partners were likely to be together again before very long. Mr. Bandygaff was very tall, very thin and incredibly old. His face was not so much a face as a bony structure over which the parchment of one of his conveyances appeared to have been untidily stretched; his beard was white, his teeth noticeably insecure and his voice completely inaudible; and with the assistance of this equipment Mr. Bandygaff performed a feat which must, I believe, be almost unique. On being invited by the auctioneer to read the conditions of sale, he uncoiled himself slowly out of his chair—and there appeared to my bulging eyes to be yards and yards of him—adjusted a pair of old-fashioned pince-nez on his nose, coughed in a way that conjured up visions of funerals and graveyards, and read steadily into his beard for six minutes by the clock. And I am prepared to take my solemn oath that no one (with the possible exception of Mr. Bandygaff himself) heard a single word which that venerable patriarch spoke. It was an impressive performance and, in some respects, a terrifying one to see this spectral figure mouthing his way through sheets of completely inaudible conditions like something risen from the dead.

When the reedy, croaking noises emanating from the aged Mr. Bandygaff ceased at last, the auctioneer, instead of placing his hand on the ancient's heart and certifying that he had passed quietly away, as I half expected him to do, leapt breezily to his feet and inquired if there were any questions. I knew Jerry Machin, the auctioneer, quite well. A hearty young man in his middle twenties and one of the best fly-halves in the business, his very presence was like a breath of fresh air blowing through the family vault; but a frown creased his youthful brow when his inexperience prompted him to wait long enough to allow a suave, beautifully tailored gentleman in the front row to get in a few routine inquiries which brought forth the usual routine answers from the senile Mr. Bandygaff.

"Have all the covenants and conditions been observed and performed up to date?"

"So far as the vendor is aware, but, if not, the property is sold subject thereto."

"Are there any easements, quasi-easements, rights of way, drainage or light and public or private rights or liabilities, tithe redemption annuity, land tax or other outgoings whatsoever other than the usual rates and taxes not disclosed by the conditions?"

"Not so far as the vendor is aware, but if so, the property is sold subject thereto."

"Are there any charges or prohibitions arising under any Statute or Regulation made or resolutions passed thereunder which will or might subject the property or the owner or occupier thereof to any liability for any payment or obligation or affect any user of the property?"

"Not so far as the vendor is aware, but if so, the property is sold subject thereto."

The suave gentleman then touched lightly upon the Restriction of Ribbon Development Acts, 1935 to 1943; the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933; the Agricultural Holdings Acts, 1923 to 1947; the Town and Country Planning Act, 1947, and various other statutory enactments which appeared to cause him some temporary uneasiness. He then went on to deal with various other fascinating subjects ranging from extinguished manorial incidents to the rights of remaindermen (whoever they might be) after the death of the tenant for life (which seemed a pretty long tenancy to me unless the tenant happened to be Mr. Bandygaff himself); and it appeared from Mr. Bandygaff's replies that the vendor was invariably either aware or (as might be expected) unaware of them but whether he was or whether he wasn't was of academic interest only since in every case the property was sold subject thereto.

The final question from the suave gentleman related to a right of way along the dotted lines from A to B to C to D (in that order) on the plan and which appeared to end rather abruptly in a tidal river and consequently could not be expected to be of any practical use to a purchaser unless he had suicidal tendencies. After some polite haggling, punctuated with an occasional impatient click from Mr. Bandygaff's teeth, the point was cleared up to the satisfaction of everybody but the suave gentleman, and Jerry, who had been champing at the bit for some time, was about to paint his beautiful word picture of this attractive property, when an insignificant little man with a bowler hat apparently glued to his head and a damp cigarette just as firmly attached to his lower lip, interrupted with an enquiry of his own.

"Where," he asked, "is the O.B.J.?"

The question was as unexpected as it was obscure but though I thought it was a refreshing change from quasi-easements and remaindermen, Mr. Bandygaff obviously didn't think much of it and brushed it aside with another impatient click of his teeth.

"Not so far as the vendor is aware," he said, playing safe, "but, if so, the property is sold subject thereto."

An answer which, while perhaps not entirely relevant, put paid to the little man for the time being, and he sat down as abruptly as he had risen, clearly baffled.

Lot 7 was being offered with vacant possession, and since I was only authorized to spend £850 on it, you will gather that it was no mansion. Still, it had four uncertain walls, a leaking roof, and two up and down which is about as much as any purchaser can expect nowadays when his resources are as limited as mine were. Yet such was the magic of Jerry Machin's tongue that, although I had actually seen the place, I began to doubt the

evidence of my own eyesight. Though I could not accept with out reserve my enthusiastic young friend's description of it as an attractive detached residence in an excellent state of repair, situated in beautiful rural surroundings, and with every modern convenience, yet I was almost persuaded that it might remain standing for a little longer than I had at first anticipated and the client who had authorized me to spend £850 on it might not be the certifiable lunatic I had firmly believed him to be.

"And now, gentlemen," Jerry inquired when he had finally run out of superlatives. "What am I offered for this unusually attractive little—"

"Where," an intrusive voice inquired, "is the O.B.J.?"

Bowler-Hat was in the ring again.

Jerry broke off, annoyed, and fixed Bowler-Hat with what was obviously intended to be a quelling glance which had no effect whatever on that determined little man.

"Where's the O.B.J.?" he insisted.

"I didn't quite hear your bid, sir," said Jerry, this time resorting to biting sarcasm with just as little effect.

"Nor you're not likely to," the little man pointed out, "not until you've told me where the O.B.J. is."

"The O.B.J.?" said Jerry, puzzled, but facing up to the problem at last.

"The O.B.J. Yer know what an O.B.J. is, don't yer?"

"Of course," said Jerry, inaccurately, for he didn't, "but you can't have it both ways. This property," he went on, now so far gone as to resort to witty repartee, "is sold with V.P. but without O.B.J."

"Yer mean to say," insisted the little man, shocked, "that there ain't no O.B.J.?"

"No, there ain't—I mean, isn't. This," said Jerry, a little obscurely, "is an Auction Room, not a Cattle Mart. Sloman, Rushaway & Company," he went on, "have been established for over a century and have never yet sold a property with an O.B.J.—and they are not going to start now."

Which was pretty plain speaking, and the little man ended this lunatic discussion with a clear statement of policy.

"I have always," he asserted, "observed the decencies of civilized behaviour and if there ain't any O.B.J., then I for one ain't interested."

After which the bidding was an anti-climax, the only noticeable fact being that the suave gentleman took no part in it, but whether it was because he was concerned at the absence of an O.B.J. or simply exhausted by his own learned questions, I shall never know. I started the bidding at £300 and earned the dirtiest look I had ever received from a lifelong friend who proceeded to take nine rapid bids of £50 each to rush it up to £750 in the space of two minutes. I never actually *heard* a single bid myself, but I knew Jerry to be an honest if a fat-headed man and no doubt he picked out nine unsteady heads and hoped for the best. Then the bidding stopped as abruptly as it had begun and I had no difficulty in purchasing Lot 7 for £800.

Yet, flushed with success as I was, I felt that I had to know one thing for certain if my evening was to be complete. As we were leaving the Sale Room, I drew the little bowler-hatted man aside and whispered a few words into his ear.

He looked at me, clearly surprised at my appalling ignorance of real property and its appurtenances.

"Yer mean to say yer don't know what the Oh, Be-Joyful is?" he said.

And then, of course, the penny dropped, and, blushing slightly, I thanked him for the information. And I was not a little

relieved to know that the property *had* got an O.B.J. because I had seen it—and I had not had to rely entirely on the evidence of my eyes either—another of my senses had been of some assistance. In one respect, of course, the little man had been

right. An O.B.J. is an essential part of any property and I hoped Jerry had been wrong in saying that Sloman, Rushaway & Company never sold them. One feels that their desirable residences would be incomplete without them.

## CAPITAL LEVY

On the capital levy as a political instrument it is difficult for most of us to remain impassive and unconcerned; for example, we know from experience that it is a subject capable in an extraordinarily short space of time of engendering the most surprising warmth and, indeed heat, in the normal atmosphere of icy aloofness surrounding those compelled to suffer one another's company in the compartment of a British train. It is not our purpose here, however, to venture into a discussion of the rights or wrongs of this suggested imposition as a form of taxation, but rather to consider to what extent capital resources should be taken into account when local authorities are giving out public money to a limited class of citizens, the amounts "paid" being graduated according to the incomes of the recipients. The cases we have in mind are those services such as domestic help, school meals, or supply of milk foods and, most importantly, the granting of aid to pupils under the Education Act, 1944, s. 81.

This last service is one on which very large sums are expended; for example, the total cost in the counties had risen from £6,599,000 in 1950/51 to an estimated sum of £9,140,000 in 1952/53. These figures are taken from the useful return prepared by the Society of County Treasurers which gives information for each county council in England and Wales. As the following extract from the return indicates there are considerable variations in the cost of the assistance given by different authorities.

County	Total Expenditure	Cost per 1,000 pupils on Registers	Equivalent Rate in £
	£	£	d.
Buckingham .. .. .	103,516	2,289	9-05
Durham .. .. .	475,000	3,453	31-34
Hampshire .. .. .	127,592	1,678	7-00
Somerset .. .. .	164,484	4,199	14-04
Surrey .. .. .	765,905	5,233	13-02
York, West Riding .. .. .	372,210	1,618	11-60
Cardiff .. .. .	107,525	4,363	49-32
Monmouth .. .. .	209,800	4,138	45-17

Where local authorities are still allowed a measure of local discretion these differences are natural and to be expected, and the differences in the practice of giving aid are indicated by the table which follows, again taken from the Society's return.

### PRIOR DETERMINATION OF NUMBER OF AWARDS IN EACH YEAR AND

#### STANDARD OF SCHOLARSHIP REQUIRED

	Awards of Full Value		Awards of Lower Value	
	To awards to students in Universities and University Colleges	To awards to students in Technical Colleges and other establishments for Further Education	To awards to students in Universities and University Colleges	To awards to students in Technical Colleges and other establishments for Further Education
(1) Counties limiting the number of awards made in each year .. .. .	4	5	3	5
(2) Counties laying down local standards of scholarship as conditions of granting awards .. .. .	38	34	23	23
(3) Counties who limit the number of awards and lay down local standards of scholarship .. .. .	8	8	7	7
(4) Counties accepting admission to a University as evidence of standard of scholarship warranting consideration of application for award .. .. .	21	—	15	—

These dissimilarities are interesting, but it is at least equally interesting and important that in all cases the grants made represent a considerable burden on rates and taxes, and although the expenditure is for a good purpose, because of its size it is essential that payments should be made only to those who are genuinely in need. It will be remembered that need is assessed by the Ministry of Education on a fairly generous scale and that the Department have endeavoured to secure acceptance of their figures by all local education authorities. This has been possible because the Ministry are required to approve local schemes for major awards, and in submitting their schemes local authorities are required to include details of the financial circumstances which will qualify pupils for aid, the limits of the financial aid to be given, and the methods adopted to assess the need for aid. Not all authorities have adopted the advice from London however: the Ministry report on Education in 1952 refers to the new rates of maintenance and the new income scale and comments "As the new rates had been worked out in consultation with the local authority associations, and the associations had agreed to recommend them to their members, it was hoped that the basic term-time rates would be generally adopted for the academic year starting in the autumn of 1952. In the event just over 100 of the 146 authorities of England and Wales had adopted the new rates wholly or substantially by the end of the year. This not altogether satisfactory result was no doubt partly due to difficulties which authorities found in making major adjustments in the middle of the financial year, particularly in view of the complications about numbers discussed below. But there was reason to hope that the new rates would be much more generally applied in the following academic year."

The Ministry income scale runs from £450 to £2,200; pupils whose parents have a calculated income below £450 receive full awards while nothing is paid when scale income exceeds £2,200. In calculating income the Ministry's scale gives an allowance of £100 for each dependent child, with a further £100 for school fees and £200 for university or professional training. There are also allowances for charges such as insurance premiums and mortgages. Nothing is said about capital as such but nevertheless the Department has thought about the subject, or at least about part of it. The 1952 Report, to which we have referred previously, makes this comment about vacation allowances—"Equally it was felt that the Ministry could no longer ignore the capital resources of parents whose income was above a certain level. The normal vacation rate was therefore fixed at £20 for London and the civic universities and £25 for Oxford and Cambridge, where vacations are longer, compared with a flat rate of £31 for all universities in the previous triennium. It was also arranged that this would be paid automatically only to students whose parents' incomes did not exceed £1,000 per annum; other parents would be required to satisfy the Minister that they did not possess substantial capital resources from which they could finance their children's keep during vacation."

We suggest that action on these lines should not be confined to vacation allowances and that justice to those who have to find the money (they are often poorer than the recipients) demands that those who have ample capital resources should be debarred from calling on public funds for assistance. While we would not suggest necessarily that authorities should go as far as the

National Assistance Board and require all capital in excess of £400 to be treated as part of the available resources of the applicant, it is right in our opinion to frame local schemes, having in mind those we have quoted, whereby part of capital held must be regarded as available for meeting obligations. Most local authorities have no information at all about capital owned by applicants: the members of one authority of our acquaintance which obtained information recently were astounded to learn the facts about some of the families to whom

grants had been given. We have culled three examples from a long list and think no further comment is needed.

Case	Capital Owned £	Annual Award from Public Funds
A	28,500	£105 plus fees
B	16,400	£165 plus fees
C	14,200	£176 plus fees

## ANNUAL REPORT OF THE MINISTRY OF HEALTH

The recently issued annual report of the Ministry of Health refers to the calendar year 1952 and accordingly, for the same time, surveys developments during the same twelve months as those covered by the Chief Medical Officer in his report on the "State of the Public Health," which will be issued later. In a foreword, the Minister refers to the development of the National Health Service during the past five years, and mentions with some satisfaction that the number of staffed beds in hospitals has increased by 35,000.

The first section of the report deals with the financing of the National Health Service, when it is pointed out that the final estimate for the year to March 31, 1953, showed an increase in the estimated expenditure of about £41,426,000 compared with the actual expenditure in the previous year. It is explained that the main feature in the development of the hospital and specialist services during the year was again the fuller and more economical use of existing resources rather than expansion involving new buildings and greater running costs. The bed complement of hospitals at the end of the year was 507,368 and had increased by only 1.3 per cent. since 1949, but the number of these beds which was available for the admission of patients had increased by 3.2 per cent. There was again a marked progress in combating tuberculosis. On the hospital service generally, it is emphasized that there is still as much need for voluntary service as there was before the new service began. One organization has drawn up a list of more than 200 ways in which it has served the hospitals with which it is associated. It is accepted that a very great deal is already being done both by organizations and individuals, but much still remains to be done, especially in the long-stay hospitals where the patients may be lonely, and have no prospect of an early return to their homes and families to keep up their spirits.

### MENTAL HEALTH

The administration of the Mental Health Service still causes anxiety owing to the shortage of available accommodation, and mention is made in the report of the need for suitable accommodation for the many aged mental patients, who no longer require active treatment but who should be provided with sympathetic care outside mental hospitals with psychiatric nursing and advice available if required. Allied with this need is that of suitable accommodation for the ageing sick who have symptoms of mental illness, but who should not and need not become patients in mental hospitals. Provision of special annexes for patients of these types is being encouraged, and during the year projects providing several hundred beds were in course of development, in addition to some 400 beds already available.

Section 4 of the Criminal Justice Act, 1948, provided powers whereby a court, if satisfied that the mental condition of the offender was suitable, could, in making a probation order, include in the order a requirement that the offender should submit to treatment for his mental condition. This treatment may

either be as a resident patient in a non-mental hospital or as an out-patient at a clinic, and can only be applied if the offender agrees to comply. During 1951, the latest full year for which figures are available 247 males and seventy-two females put on probation were required to undertake resident treatment; and 392 males and sixty-four females were required to undergo out-patient treatment.

The National Health Service Act, 1946, gave local health authorities new responsibilities for the prevention of mental illness and the care and after-care of persons suffering from illness, in addition to their duty under the Lunacy and Mental Treatment Acts to arrange for the removal of patients to mental hospitals. While responsibility for patients still on a hospital's books technically remains with the hospital, there is much that the local health authority can do in co-operating with the hospital in the care of their patients out on trial, and in giving after-care, particularly by affording help and encouragement to ex-patients who find difficulty in re-adjusting themselves to their environment. Work on the same lines, as a matter of prevention, can be done for mentally disturbed patients who may never have been in hospital. It is stated in the report that some local health authorities have provided after-care by helping to maintain patients leaving mental hospitals who are in need of a sheltered environment before they return to their homes, or until some other permanent arrangements can be made for them. Another interesting development mentioned in the report is that the "social club" idea has now been extended from the hospitals to the community; the object of these clubs, whether in or out of hospital, is to accustom patients to working and living with confidence in a normal society.

Many authorities have found that staffing difficulties make it all the more essential to co-operate with the hospitals so as to secure an economy of trained staff and to provide training for the less experienced. A shortage of staff continues, particularly of psychiatric social workers; the problem of obtaining enough workers is, however, closely associated with the supply and training of social workers in other fields. But quite apart from the need for new entrants, refresher courses are also required for the many who are already working in the psychiatric field, and are qualified by wide practical experience rather than academic training.

### MENTAL DEFICIENCY

On mental deficiency, it is emphasized in the report that the hard core of the local health authority's problem is the defective for whose needs the authority's services cannot provide, and who therefore requires hospital care. It is very disturbing to be told that the waiting lists of mental defectives for admission to hospital increased from 3,323 on January 1, 1946, to 5,920 on January 1, 1951, and by January 1, 1953, reached 8,988 of whom 3,527 were described as urgent. This number represents about one-fifth

of the total beds provided, but the turnover of beds is slow. Nearly two-thirds of the urgent cases are low grade and most of them children. One of a local authority's most important duties under the Mental Deficiency Acts is to provide, unless there are adequate reasons for not doing so, occupational training for defectives who are under supervision or guardianship.

### WELFARE SERVICES

In spite of the difficulty in commencing new buildings, progress was made by local authorities in providing further residential accommodation for the elderly and infirm and other persons in need of care and attention. A further 130 small homes were opened by local authorities, including five new buildings, bringing the total number of small homes opened at the end of 1952 to 580 with accommodation for about 15,000 persons. Included in this total are thirty-two homes for the blind. A small but noteworthy addition was a home for deaf-blinded persons opened by the Birmingham City Council, the first of its kind to be provided by a local authority. It is noted with satisfaction that voluntary organizations continue to be very active, working usually in collaboration with local authorities, in providing further homes for the elderly and infirm. There were at the end of 1952 some 550 voluntary homes for old people with accommodation for about 18,000 residents.

On staffing it is noted that there was no decrease in demand from local authorities for vacancies in the refresher courses organized by the National Old People's Welfare Committee for wardens and matrons of homes. A third training course for women wishing to take up work in old people's homes started in October, 1952. There was no difficulty about placing women trained in the previous courses, but the committee discontinued accepting applications from male candidates for this type of training.

Finally, mention is made in this section of the report of the removal of persons in need of care and attention, which is of interest in view of recent criticism of the action taken by some

local authorities in this matter. Medical officers reported in their annual reports that in very many such cases brought to their notice it was possible to deal with the matter satisfactorily without invoking statutory powers for compulsory removal. Where orders for removal had been made, there continued to be a slight preponderance of those given for removal to hospital over those for removal to accommodation provided under Part III of the National Assistance Act, 1948. There were signs that the coming into force on September 1, 1951, of the amending Act (which provides for an expedited procedure in cases where removal is deemed urgent in the interest of the person concerned) had resulted—as was expected—in some increase in the numbers of orders made.

### LOCAL HEALTH SERVICES

In referring to the health services administered by local authorities, it is mentioned that the care of the unmarried mother and child continues to present problems. The health services can meet only part of the needs of these women; their social and moral rehabilitation requires the co-operation of the many voluntary and denominational bodies which are active in this field and of other departments of the local authority. Some local health authorities themselves provide ante-natal and post-natal homes, besides employing a social worker or assisting voluntary bodies in their social work; many use their maternity and child welfare powers to assist voluntary associations which maintain ante-natal and post-natal homes which can provide for the welfare of these women. Many women are helped to establish themselves in society and bring up their children themselves, but there remains the very difficult problem of the apparently amoral woman (many of them are of low-grade mentality) who has more than one illegitimate child and is a disruptive influence in the existing type of home for unmarried mothers. The problem of this type of woman continues to engage the attention of the Ministry. The work of both local health authorities and voluntary associations in this field was expanded during the year.

## REVIEWS

**Hotels and the Law.** By R. S. W. Pollard and D. D. H. Sullivan. Leigh-on-Sea: Thames Bank Publishing Company, Limited. Price 12s. 6d. net.

This small book is a practical guide, for those engaged in the hotel business and their customers. The legal relation between them has become increasingly involved, by modern statute law and through decisions of the courts, but the hotel keeper and his guests can hardly be expected to take legal advice upon every point which may arise. The book deals, however, with a good many matters other than the relationship of trader and customer—it deals, for example, in a general way with the law of landlord and tenant, the law of rates, and with income tax as affecting the hotel business. It has been cast into the form of question and answer, something on the lines of our own Practical Points: we do not gather from the introduction whether these have actually appeared in a trade paper. Our main criticism of them is that the legal opinions given are not generally supported by references in the text, although there are numbered notes, referring the user of the book to very short tables of cases or statutes, upon some of which it would be rather unsafe for the non-legal reader to rely. However, we think the book is likely to be useful to those for whom it is intended, as giving them in handy form and compass an answer to hundreds of everyday questions. Most of our own readers are, we suppose, engaged in earning a living in some occupation other than the hotel trade, but no doubt they come into frequent contact with hotels—as guests, or sometimes in a professional capacity. Even professionally, they may find the book helpful for quick reference, and as hotel guests from time to time they will find it interesting and in parts amusing.

**Guide to Income-Tax Practice.** By Roger N. Carter, Herbert Edwards and Alan M. Edwards. London: Gee & Co. (Publishers) Ltd. 1953. Price 55s. net.

This work has been before the public for nearly sixty years since the first edition appeared in 1895. The fact that it has run through sixteen editions, before that now in our hands, is a good indication of its utility to accountants and indirectly to taxpayers. The editors of this new edition, one of whom was formerly a senior inspector of taxes, have brought in the Finance Act, 1952, and case law up to the end of last year. For technical reasons of production, it was not practicable to amend the references throughout to statutes consolidated in the Income Tax Act, 1952, and accordingly a table of comparison of the new and old statute law is printed at the beginning—a table which may be convenient for other purposes, besides use immediately with the book itself.

The work is a practical guide, and does not profess to cover the same ground as major publications on the law of income tax, but it is, so far as we can judge, complete in its own field, and can usefully be kept at hand, to be consulted in conjunction with the major works, as a means of quickly getting at the law and discovering how particular problems are dealt with in practice by the Inland Revenue. We notice that there are various decisions from Ireland as well as from Great Britain, some of them since the establishment of the Irish Republic—the Republic's courts may have to give judgment on provisions taken from English law or based upon it. There are also numerous references to our contemporary *The Accountant and Taxation*.

Amongst our own readers, those engaged in the finance departments of local authorities will be wise to make sure of having this new edition on their shelves.

**Key to Profits Tax.** By Ronald Staples. Taxation Publishing Company, Ltd. 1953. Price 7s. 6d. net.

This is a companion work to the *Key to Income Tax*, which we have reviewed in successive editions. Like its companion, it is printed with a marginal thumb index, enabling reference to be made quickly to each of the main headings, but in the case of profits tax 130 pages (more than half the book) consists of the actual text of the Finance Acts and others, which have imposed the tax and pulled it about since 1937 when, supposedly on a temporary footing, it was instituted as a means of helping to pay for warlike preparations. In the course of years it has become extremely complicated and technical. At the present day it is, fundamentally, a tax on trading companies, and the method of charge can hardly be understood without some knowledge of standard methods of accountancy under the Companies Acts. Mr. Staples is editor of *Taxation*, and has a number of textbooks on allied subjects to his credit. Everything that can be done to make a complicated subject comprehensible has (we think) been done in the present work. Our own readers can for the most part congratulate themselves, that they are not directly concerned with the administration of the tax—although to the extent that they are shareholders in ordinary company enterprise they are affected by it. Persons who are concerned either as lawyers or accountants will find this key extremely useful, for showing them the way through one of the most tangled branches of taxation law.

## BOOKS AND PUBLICATIONS RECEIVED

Ministry of Health: Report of the Working Party on the Recruitment, Training and Qualification of Sanitary Inspectors. London: H.M. Stationery Office.

Report on Transport Organization prepared for the Metropolitan Borough Councils. Organization and Methods Committee. Obtainable from: Westminster City Hall, Charing Cross Road, W.C.2. Price: £1 per copy.

First Annual Report of the Planning Board: The Peak District National Park, November, 1951, to April, 1953. Obtainable from Clerk of the Peak Park Planning Board, County Offices, St. Mary's Gate, Derby.

City of Lancaster: Ceremony of the Honouring of the King's Own Royal Regiment, 1953.

Glamorgan County Council: Annual Report Fire Services Committee, 1953. Obtainable from: Fire Service Headquarters, Lanelay Hall, Pontyclun, Glam.

Annual Report of the Northumberland and Tyneside River Board, 1953.

Annual Report of the Mersey River Board, 1952-3.

Ministry of Housing and Local Government: Memorandum on Principles of Design for small Domestic Sewage Treatment Works. London: H.M. Stationery Office, 1953. Price: 9d. net.

The Parish Councils Review. London: National Association of Parish Councils, 26, Bedford Square, W.C.1. Price: 1s.

The Case for Illuminated Signs. Obtainable from: The Electrical Sign Manufacturers' Association, 103, Kingsway, W.C.2.

First Annual Report and Review of the Housing Department, City of Winchester, 1953. Obtainable from: A. E. Lacey, Housing Manager, Guildhall, Winchester.

The United Nations and the Egyptian Blockade of the Suez Canal. A study sponsored by the Lawyers Committee on Blockades. Obtainable from 76, Beaver Street, Twenty-First Floor, New York 5, N.Y.

The Administration of Insolvent Estates in South Africa. By David Shrand. Cape Town and Johannesburg: Juta & Co., Ltd. Price: 67s. 6d.

## CORRESPONDENCE

The Editor,  
*Justice of the Peace and  
Local Government Review.*

DEAR SIR,

### THE LICENSING OF THEATRES, CINEMAS AND OTHER PLACES OF PUBLIC ENTERTAINMENT

Having read the article by Mr. J. R. Poulton Hughes in your issue dated August 29, 1953, and in particular the penultimate paragraph thereof, may I presume to question the statement in this context that as regards certain buildings duties are laid on sanitary authorities to ensure the provision of such means of escape in case of fire as they consider necessary.

Section 60 of the Public Health Act, 1936, applies to certain buildings it is true, but subs. (4) of the section specifies the type of building in question and no reference is made to a place of public entertainment such as is done in ss. 59 and 89 of the Act. In fact, it appears to me that the intention of the section is quite clear and is aimed at the provision of means of escape in buildings the upper parts of which are or might be used as sleeping accommodation.

Yours faithfully,  
W. F. PLAYER.

County Hall,  
Chelmsford.

Mr. Poulton Hughes writes:

"I agree that the object of s. 60 is as stated by Mr. Player. It will be noticed that I qualified my reference to s. 60 of the Public Health Act, 1936, by first stating 'as regards certain buildings.' My idea in mentioning the various sections of the Act was to draw readers' attention to them, rather than deal with them in detail, and I purposely mentioned s. 60, and qualified my reference to it, having in mind that in fact many places of public entertainment now have restaurants attached to them, usually on the first floor, as well as sleeping accommodation for caretakers. Having mentioned the section, I assumed readers would, if necessary, refer to the section, and see the circumstances in which it affected places of public entertainment."

## PERSONALIA

### APPOINTMENTS

Mr. Leslie Herrick Collins has been appointed by Her Majesty Recorder of Barnstaple. Called to the Bar at the Inner Temple in 1925, Mr. Collins has been practising on the Western Circuit.

Mr. Nigel Mitchison has been appointed Deputy Coroner for East Kent.

Miss Mary Ethel Danby, chief inspector since 1949 of the police-women's branch of the West Riding Constabulary, has been promoted to superintendent, and is the only policewoman of this rank outside the Metropolitan area. A civilian clerk in the C.I.D., Supt. Danby joined the county force at its formation twenty-eight years ago. She was awarded the B.E.M. in the 1952 New Year Honours list, and this year received the Coronation Medal.

Lieut.-Col. A. E. Jelf-Reveley is the new chairman of the Dolgelly bench. The justices have appointed Alderman A. L. Hughes and Major Wynn Jones deputy chairmen.

The following have been appointed chairmen of licensing authorities for public service vehicles, by the Minister of Transport and Civil Aviation:

*Northern Traffic area.* Mr. J. A. T. Hanlon, in place of Mr. S. W. Nelson, who has succeeded Sir Arnold Muso in the *Western Traffic area.* Mr. Hanlon, after serving fifteen years in the police and becoming Chief Constable of Leamington, has practised as a barrister for the last eight years on the North Eastern Circuit.

*South Wales area.* Mr. C. R. Hodgson, in place of Mr. H. J. Thom, M.C., who goes to the *South Eastern area.*

*East Midlands area.* Mr. A. G. Curtis.

Mr. E. S. Oswald, assistant children's officer for Selkirkshire, has been appointed children's officer at Greenock.

Mr. Leslie Roberts has been appointed assistant youth employment officer at Liverpool.

### RESIGNATION

Mr. S. Critchley Auty, town clerk of Bromley for twenty-five years, is to resign owing to ill-health.

### RETIREMENTS

His Honour Judge L. C. Thomas has retired from the County Court bench. The Lord Chancellor has appointed Mr. Gerwyn Pascal Thomas to succeed him as Judge of Circuit 24 (Cardigan County, etc.).

Mr. Walter L. Platts, clerk of the peace and of Kent County Council since 1929, is to retire, after more than fifty years of public service.

Mr. W. W. Ratcliff, City engineer and surveyor, Westminster, is to retire next April.

Mr. Leonard Worden, LL.M., town clerk of Hendon, is to retire at the end of September, 1954. He has been town clerk of the Borough since its Incorporation in 1932, and was previously clerk to the Hendon U.D.C. Mr. Worden is shortly to receive the Honorary Freedom of the Borough. He will be succeeded by Mr. R. H. Williams, LL.B., the deputy town clerk.

Mr. Frank Luff, registrar for Hornchurch, is retiring.

#### OBITUARY

Mr. A. J. Pienaar, Q.C., died in Capetown on October 12, aged sixty-nine. Besides becoming an advocate of the South African Supreme Court and a legal adviser to the Government, Mr. Pienaar was for twenty years president of the South African Rugby Board, and president of the South African Cricket Association in 1947-48.

In a tribute to Captain E. C. Tunncliffe, who died in his office at Winchester after fifteen years in the prison service, Lord Calverley has appraised him as "one of the most enlightened prison officials." Entering the service at Wandsworth in 1938, Captain Tunncliffe was successively Governor at Stafford, Camp Hill, Parkhurst and Leeds, before going to Winchester in August, 1952.

## TIME AND THE CALENDAR

By W. E. LISLE BENTHAM

Why should we perforce remember  
That thirty days hath September,  
Whilst other months a day have grown  
And February is on its own  
With twenty-nine or twenty-eight  
According to the leap year state?

#### THE SOLAR YEAR

The natural divisions of time are the solar day, the solar year and the lunar month, or lunation, whilst the hour, the week and the civil or calendar month are mere conventional divisions. The solar astronomical year, being the period of time in which the earth performs a complete revolution in its orbit about the sun, consists of 365 days, five hours, forty-eight minutes and forty-six seconds of mean solar time. The synodic or full revolution of the moon is accomplished in twenty-nine days, twelve hours and forty-four minutes. Twelve lunations, therefore, form a period of approximately 354 days, which differs only by about 11½ days from the solar year. From this circumstance has arisen the practice of dividing the year into twelve months. In the course of a few years, however, the accumulated difference between the solar year and twelve lunar months becomes considerable and has the effect of transporting the commencement of the year to a different season. Nevertheless, the month, being a convenient period of time, has retained its place in the calendars of all nations, where it usually denotes an arbitrary number of days approximating to the twelfth part of a solar year.

#### THE CIVIL YEAR

It follows that any arrangement of the civil year must be to some extent artificial, for it must seek to accomplish two objects; first, the equable distribution of the days amongst twelve months and, secondly, the preservation of the beginning of the year at the same distance from the solstices or equinoxes. Now, as the year consists of 365 days and a fraction, and since 365 is a number not exactly divisible by twelve, the months cannot all be of the same length and at the same time include all the days of the year. By reason also of the fractional excess, the years cannot all contain the same number of days if the epoch of their commencement remains fixed; for the day and the civil year must necessarily be considered as beginning at the same instant, and therefore the extra hours cannot be included in the year till they have accumulated to a whole day. As soon as this has taken place, however, but not before, an additional or intercalary day must be given to the year, and it is this necessity which has given rise to the intercalation, or inclusion in the calendar, of leap days.

#### THE GREEK KALENDS

The Greek Kalends (an expression which, like the blue moon, is now used figuratively of a date or event which will never occur) was soli-lunar; that is to say, every year began when the sun was in a certain position (solstice or equinox) and every

month began with the new moon. But, as the solar year is not even approximately divisible by the lunar month, some system of adjustment was necessary. Accordingly, at different times within the *oktaeteris*, or eight-year period, three extra months were inserted, whereby approximate agreement with natural phenomena was obtained. This result was still not accurate, but reform was delayed since it meant abandoning the sacred principle of beginning each month at new moon.

#### THE JULIAN CALENDAR

At the time of Julius Caesar, the Roman civil equinox differed from the astronomical by three months, so that the winter months were carried back into autumn and the autumnal into summer. Caesar therefore abolished the use of the lunar year and regulated the civil year entirely by the sun, fixing the mean length of the year at 365½ days and decreeing that every fourth year should have 366 days, other years 365. The first Julian year commenced with the first January of the 45th year B.C. It was formerly thought that Julius (who gave his name to our month of July), or his successor Augustus (after whom our month of August was named), also divided the twelve months into their present number of days, but this theory has now been exploded.

#### THE GREGORIAN CALENDAR

The Julian method of intercalation, although convenient of adoption, supposed the year to consist of 365 days 6 hours, which was too long by eleven minutes fourteen seconds, and so the real error amounted to a day in every 128 years. Moreover, in the course of a few centuries the equinox appreciably retrogrades towards the beginning of the year. Accordingly, in March, 1582, when the error in the Julian intercalation was found to amount to three days in four hundred years, Pope Gregory XIII, in order to restore the equinox to its former place, directed ten days to be suppressed in the calendar and ordered leap days to be omitted from all the centenary years excepting those which were multiples of 400. Thus the year 1600 was a leap year, but 1700, 1800 and 1900 were not.

#### THE EXISTING CALENDAR

The Gregorian, or New Style, Calendar was adopted in almost every country in Christendom, including Scotland, but was not adopted in England and in countries where the Greek Church was recognized. The result was a variation in the date of any one day between the countries using the two systems, which in 1750 amounted to eleven days. The consequent inconveniences attending such a dual system led to the passing of the Calendar (New Style) Act, 1750, with the object of applying the Gregorian Calendar to England and generally throughout the Dominions and Crown Colonies. By virtue of that Act, as from December 31, 1751, the year began on January 1 instead of March 25, and eleven days were suppressed, thus causing a sudden jump

from the second to the fourteenth September, 1752. Moreover, a new system of intercalation was introduced, whereby the years 1800, 1900, 2100, 2200, 2300 and every hundredth year thereafter were declared to be common years of 365 days each, save that the year 2000 and every fourth hundredth year thereafter and also all other years which were by existing supputation leap years by reason of their being exactly divisible by four were to be bissextile or leap years of 366 days.

The Gregorian rule gives ninety-seven intercalations, or leap days, in 400 years. Four hundred years, therefore, contain  $365 \times 400 + 97$ , i.e., 146,097 days; and consequently one civil year contains 365.2425 days, or 365 days, five hours, forty-nine minutes and twelve seconds. This exceeds the true solar year by twenty-six seconds, which amount to a day in 3,323 years. It has accordingly been proposed at some future date to correct the present rule by making the year 4000 and all its multiples common years. With such correction, the rule of intercalation is as follows: Every year the number of which is divisible by four is a leap year, excepting the last year of each century, which is a leap year only when the number of the century is divisible by four; but 4000 and its multiples, 8000, 12000, 16000, etc., will be common years. Thus the uniformity of the intercalation, by continuing to depend on the number four, will be preserved, and by the proposed correction the beginning of the year will not vary more than a day from its present place in two hundred centuries.

#### EASTER

One principle use of the calendar is to find Easter, which is a moveable feast governing all the other moveable feasts. By the second century of the Christian era disputes had arisen as to the proper time for celebrating Easter. The Jews celebrated their Passover on the fourteenth day of the first month, i.e., the lunar month of which the fourteenth day either falls on, or next follows, the day of the vernal equinox. Most Christian sects, however, agreed that Easter should be celebrated on a Sunday, although others followed the example of the Jews, and this minority were accordingly accounted heretics. In the year 325 the Council of Nicaea ordained that the celebration of Easter should thenceforth always take place on the Sunday which immediately followed the full moon that happened upon, or next after, the day of the vernal equinox, which was computed as March 21. Should the fourteenth of the moon, which was regarded as the day of full moon, happen on a Sunday, however, the celebration of Easter was deferred to the Sunday following, in order to avoid concurrence with the Jews and the heretic minority.

The observance of this rule rendered it necessary to reconcile

finding Easter as prefixed to the Book of Common Prayer a more accurate calendar, table and rules for fixing the true time of the celebration of Easter, and for finding the times of the full moons on which such feast depends. Section 2 of the Calendar Act, 1751, applied this new calendar to certain customary pasturage or other grounds the use of which depended upon moveable feasts. In 1923 a committee appointed by the League of Nations to consider calendar reform and the question of a fixed Easter found no evidence of any wide desire to alter the calendar, but there was much secular support and a certain sympathy from some religious authorities in favour of a fixed Easter. This led to the passing in this country of a private member's bill which became the Easter Act, 1928, and which provides for amendment of the calendar by fixing Easter as the first Sunday after the second Saturday in April, but this Act is not to come into operation until the date fixed by Order in Council, a draft whereof has to be approved by both Houses of Parliament. This safeguard was intended to ensure uniform action with other countries and to prevent the taking of any definite step before being assured of the acknowledged support of the religious denominations.

#### CALENDAR REFORM

There have been at least two major proposals for the reform of the present calendar. The first idea was that the year should be divided into thirteen months of twenty-eight days each, the additional month (to be called Sol) being inserted between June and July, the odd day being added at the end of December, and in leap years the further extra day being added at the end of June, such additional days being made bank holidays. One merit of this system would be that the days of the week would always fall upon certain known dates, e.g., the first, eighth, fifteenth and twenty-second days of the month would always be a Sunday, Christmas Day would always be on a Wednesday, and quarter days, i.e., the 91st, 182nd, 273rd and 364th days of the year, would always fall on a particular day, which would always be a Saturday. If and when the Easter Act is brought into operation, Easter would always take place on Sunday, April 15. It has, however, the disadvantage of being a departure from the long established and more convenient practice of dividing the year into twelve months, which more closely accords with the twelve lunations, for thirteen lunations exceed the solar year by something over eighteen days.

The second, and later, suggestion for reform is that which has been sponsored by no less an authority than the Astronomer Royal, Sir Harold Spencer Jones, which is aimed at doing away with unnecessarily intricate calculations as to days. Under this system, the simplified World Calendar would appear as follows:

JANUARY APRIL JULY OCTOBER							FEBRUARY MAY AUGUST NOVEMBER							MARCH JUNE SEPTEMBER DECEMBER						
S.	M	T	W	Th	F	S	S.	M	T	W	Th	F	S	S.	M	T	W	Th	F	S
1	2	3	4	5	6	7				1	2	3	4						1	2
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30
																				W

W = World day (a world holiday), December 31 (365th day) EVERY year. Leap year Day (a second world holiday), June 31, in Leap years only.

three periods which have no common measure, namely the week, the lunar month and the solar year and, as this can only be done approximately and within certain limits, the determination of Easter became an affair of considerable nicety and complication. Accordingly, the Calendar (New Style) Act, 1750, whilst preserving the Nicene rule, substituted for the former table for

Again, under this system, the same day of the week would fall on the same date every year, Christmas Day would always be on a Monday, and Easter Sunday on April 15, and the quarter days would fall on Saturday, 30th March, June, September and December respectively.

These suggested reforms are, however, mere artifices designed

to deal with that awkward 365th day in every year which prevents its division into exactly fifty-two weeks, and also with the leap year day. Our present calendar at least has the merit of being in universal use, so that its reform would not appear to be of such vital importance as the recasting of our existing weights and measures and coinage systems, which are so peculiar to this country and so unsatisfactory when compared with the far simpler metric and monetary systems in use in Europe and on the

North American continent. Tradition dies hard in this country and therefore reform is slow, so that it is likely to be a long time before our money, derived from the Roman £ (*librae*) s. (*solidi*) and d. (*denarii*), is devalued internally to make ten pennies equal one shilling and ten shillings equal one pound, although of late we seem to be making strides in that direction, for we are acutely aware of the fact that in purchasing power the pound is now worth only about 13s. 4d.!

## A STATE OF ABSTRACTION

It may come as a surprise to some members of the honourable company of legal draftsmen that the words "convey" and "conveyance" have gone up in the world in the last three hundred years. In Shakespeare's time "to convey" meant, in its literal sense, to perform a sleight of hand and, metaphorically, to effect some artful contrivance; while "conveyance" was the recognized euphemism for theft or fraud. Thus, in *The Merry Wives of Windsor*, Sir John Falstaff is glad to be quit of the services of Bardolph for "his thefts were too open; his filching was like an unskilful singer—he kept not time." His fellow-rogues have each his own way of describing Bardolph's activities. Nym (whose name seems to mean "snatcher," by affiliation with the Anglo-Saxon word *niman*, to take) expresses the view that "the good humour is to steal at a minute's rest"; Pistol is scandalized at such plain speaking—"Convey, the wise it call. Steal, foh! a fico for the phrase." The disreputable trio reappear in two other plays; in spite of their light-fingered habits, they are likeable ruffians, and it is with a shock of regret that we learn, in *King Henry V*, of Bardolph's being hanged for robbing a church in enemy territory during the French campaign.

This final offence was a bad one and, as Captain Fluellen puts it, "disciplines ought to be used"; but Pistol's protest that Bardolph's faults were venial is one that has been used time and again, not only among the "cutpurse" fraternity, but also among old soldiers and others who ought to know better. There is a whole string of euphemisms for petty pilfering; in certain quarters men do not steal, but "pinch," "win," "borrow" or even "find" things; stolen property is not sold but "flogged." And it is astonishing how many otherwise respectable people, from under-graduates "out on a spree" to prosperous women "kleptomaniacs", seem to regard some forms of larceny as the very slightest of peccadilloes. Perhaps the explanation is that, in many of such cases, what is uppermost is the spirit of adventure or the instinct of the collector rather than the *animus furandi* or the motive of gain; the law, unfortunately, has no room for such fine distinctions.

In this connexion interest is lent to a survey recently undertaken by the *Belfast Telegraph* among restaurant- and hotel-proprietors in Ulster. In contrast to war-time experience few of them report any extensive pilfering of cutlery, ashtrays or other small articles in hotels, restaurants, cafés, or milk-bars; even the railways—which many people are apt to regard as fair game for petty depredations—deny that their refreshment-rooms have suffered any severe losses of this kind in the recent past. "Now and again an American visitor may ask for an article, with the name of the hotel on it, for a souvenir, and this is gladly given to them," remarked one manager; we had for a moment a pleasing vision of some intrepid globe-trotter bringing back in triumph a soup-tureen or set of dinner-plates stamped "Hotel Gargantua, Londonderry," to his home in Oshkosh, Wis., or Hoodoo, Pa., and proudly displaying the same to his friends and relatives as evidence of his explorations in foreign parts. But the picture is not very convincing as a general illustration, having regard to the criticisms recently voiced in our press on the subject

of the cracked cups, half-washed plates, and dirty cutlery provided by the management at various unnamed eating-houses in all parts of the United Kingdom.

Whether the absence of light-fingered gentry in Ulster is typical of the situation elsewhere we cannot say, but it is good to know that at least in one part of the British Isles the home-maker no longer makes a general habit of combining, with the pleasure of dining out, the business of building up his stock of domestic utensils from other people's property. These things go in fashions; it is not so many years since battles were waged between opposing forces of students from two Colleges of the University of London for the possession of "Phineas"—the lay-figure of a Highlander which was once the property of a furniture-emporium in the Tottenham Court Road. We have even heard of enthusiastic amateurs who were wont to appropriate such signs as "House Full," "Cloak-Room," "Ladies Only," and even such unwieldy articles as the destination-boards of omnibuses to add to their collections, apart from the small fry of ashtrays, beer-mugs, cork-mats and cocktail-glasses which fall readily into the net of every beginner. There are, of course, advanced forms of the art which only the expert can practise; it is not for every Tom, Dick or Harry to bring off such a successful *coup* as that accomplished some years ago, when a visitor to the Louvre coolly removed and walked out, in broad daylight, with Leonardo's *La Gioconda*. Audacity of this kind, reprehensible as it is, commands a certain admiration, even among those who would lie awake for a month with troubled consciences on finding that they had absentmindedly pocketed and left a restaurant with a frayed and not over-clean table-napkin in mistake for their own handkerchief. The very magnitude of the exploit—and of the risk—detracts, in many people's minds, from its moral obliquity, just as does the negligible value of the pilfered article in the mind of the beer-mug or ash-tray collector.

Psychologically, the person who indulges in these habits is often influenced by the impersonal status of the owner. A corporation, as one Judge has observed, has neither a soul to be damned nor a body to be kicked and, conversely, it cannot be thought of as having any lively personal interest in the loss of a few small items of table-ware. It is difficult to imagine the Railway Executive reduced to a state of nervous prostration on discovering that two of its dessert-forks have disappeared from the dining-car of the 12.30 from Euston, or the London Transport Board shedding tears of rage and frustration at the removal of a couple of electric-light bulbs from a Green Line Coach. The kind of person who is responsible for such pranks would still regard it as a social *gaffe* to pocket the table-silver at a dinner-party while his host is looking the other way, and would never dream of taking a newspaper from the stall of an absent street-vendor without leaving the appropriate coppers in the box. This is as it should be. The distinction may be illogical, but it is deeply-rooted. It is part of a tradition that goes back to Robin Hood who, we may be sure, if he lived today, would have made all these nationalized industries and Public Boards—not forgetting the Inland Revenue—his principal, if not his only, prey.

A.L.P.

## PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

### 1.—Animals—Control of Dogs Order, 1930—Diseases of Animals Act, 1950—Right of police to prosecute under the Order.

A defendant was summoned before my justices on August 11, 1953, for failing to keep a dog owned by him under control at night by confining it in an enclosure from which it could not escape contrary to a county Control of Dogs Order, 1919, and the Control of Dogs Order, 1930, art. 3. The defendant appeared and his solicitor took the preliminary point that the summons and information were bad on the ground that they did not comply with art. 7 of the order of 1930, which states that, except where otherwise expressly provided, the order should be executed and enforced by the local authority.

The local authority, as defined by s. 59 of the Diseases of Animals Act, 1950, would be the county council, and the information was laid by the local inspector of police, and he conducted the prosecution. The police in this division are the county constabulary.

The inspector stated that the police had always prosecuted in similar cases (which is true) and that the words "executed and enforced" could only mean initiate proceedings. The inspector said that he was appointed by the county council as an inspector under the Diseases of Animals Act, 1950, but did not produce any formal evidence of this. The inspector further stated that he relied on the Diseases of Animals Act, 1950, for his authority to initiate proceedings. I have never had this point taken before and the police were I think also taken by surprise. I advised the justices to adjourn the summons for one month which they did. My own opinion is that the police have power to prosecute in these cases by virtue of the provisions of the Diseases of Animals Act, 1950.

I shall, however, be very grateful for your opinion on the following points:

(a) Have the police power to prosecute for a breach of this regulation?

(b) If so, please quote the section or sections of any Act or Order conferring this power.

(c) If such a power is vested in the inspector of police only by virtue of his being appointed an inspector under the Diseases of Animals Act what evidence (if any) should he produce of his appointment as such?

(d) Could you quote me any cases on this point or refer me to any article or reply to Practical Points in the *Justice of the Peace*? JENE.

Answer.

The effect of ss. 89 (2) and 44 (c) of the Act of 1950 is that the 1930 Order is to have effect as if made under s. 2 of the 1950 Act.

Section 71 (1) of that Act (reproducing s. 43 (1) of the Diseases of Animals Act, 1894) enacts, without qualification, "The police force of each police area shall execute and enforce this Act and any Order of the Minister."

This is in such general terms as to authorize the police, in our view, to enforce the 1930 Order. We read reg. 7 of that Order as authorizing the local authority also to execute and enforce the Order unless expressly exempted or prohibited from doing so.

Our answers, therefore, are:

(a) Yes.

(b) See above.

(c) Does not arise.

(d) No.

### 2.—Children and Young Persons—Contribution orders in respect of children no longer in care of local authority.—Children Act, 1948, s. 23.

My attention has been directed to the answer to P.P. 1 at 114 J.P.N. 544. I notice that, although quite definite answers are given to both points raised in the question, no reasons for these answers are quoted.

I shall be very interested to learn the reason for the answer to question (a), in view of the provisions contained in s. 87 (1) of the Children and Young Persons Act, 1933, as amended and applied to children in the care of a local authority by the Children Act, 1948. The relevant portion of the section as amended reads: "any court of summary jurisdiction having jurisdiction in the place where the person to be charged is residing may subsequently at any time make" a contribution order "on any person who is" under s. 86 of the 1933 Act as amended "liable to make contributions in respect of the child . . ." This provision appears to place no time limit upon the application for a contribution order and neither does it appear to require that, at the time when the order is made, the child should still be in the care of the local authority.

If your answer to question (a) in the above-mentioned practical point is based upon the use of the word "is" in the phrase "person

who is . . . liable to make contributions in respect of the child," perhaps you will let me have your opinion as to the material date in construing this phrase. Does it relate to the date of the complaint by the local authority or to the date when such complaint is heard? If you are correct in your opinion that a contribution order cannot be made after the child ceases to be in care then the above-mentioned phrase would appear to indicate that the person liable to contribute must be so liable at the date of the hearing of the application for an order. The effect of such an interpretation would, however, mean that, where an application fell to be heard by a petty sessional court sitting only once a month, it would frequently be impossible to obtain a contribution order in respect of a child in care for a short period, because that period would have expired before the next sitting of the court.

In letting me have your opinion on the foregoing points, perhaps you would also care to express your views as to whether a contribution order, made while a child is in care, can be so framed as to be retrospective to the date when the child first came into care. As you will be aware, children frequently come into care at very short notice and the inquiries which the authority have to make as to the whereabouts and means of the parents and the steps which they normally take to ascertain whether the parents will contribute voluntarily, inevitably take some time. If, therefore, an order with retrospective effect cannot be made, parents who are perfectly well able to afford to maintain their children while they are in care have a ready means of avoiding their responsibilities in that respect for periods which, in certain circumstances, may amount to a month or more. SONA.

Answer.

The general principle upon which we found our answer is that orders for weekly contributions date from the making of the order and cannot be made retrospective unless there is statutory authority, as in the case of affiliation orders when the mother has applied before the birth of the child or within two months from the date of birth.

Our learned correspondent puts the other point of view so clearly that we are certainly not inclined to be dogmatic, although we still hold the opinion expressed in our earlier answer.

We think the words "at any time" have the effect of excluding any statutory time limit that might otherwise apply but not so far as to nullify what we believe to be the effect of the words "is liable." In our opinion, payments under an order date from the making of the order, and therefore no order can be made if the child is no longer in care. We entirely agree that the result may be most unfortunate, and we should like to see specific authority given by statute to make these orders on the lines suggested by our correspondent.

### 3.—Compulsory Acquisition—Land to be designated under Town and Country Planning Act, 1947—Acquisition for housing.

This council is proposing to make a compulsory purchase order under the powers of the Housing Act, 1936, and the Acquisition of Land (Authorisation Procedure) Act, 1946, for adjacent areas of land have been designated in the county development plan as subject to compulsory acquisition for the construction of police houses. The development plan has been submitted to, but not yet approved by, the Minister. The county council have suggested that my authority's compulsory purchase order should embrace the land required by them for the construction of police houses, and be sold at a later date by my authority to the county council.

I shall be glad to have your guidance on the following points:

(a) If my council agreed to make their compulsory purchase order under the Housing Act, 1936, and the Acquisition of Land (Authorisation Procedure) Act, 1946, and included therein land already designated by the county council as subject to compulsory acquisition for police houses, would the Minister be precluded from confirming the order until such time as he had formally approved the county development plan?

(b) As my council will acquire the land for houses under Part V of the Housing Act, 1936, the power of compulsory purchase flows from a statute independent of the Town and Country Planning Act, 1947, and consequently reg. 11 of the Town and Country Planning (General) Regulations, 1948, S.I. 1948, No. 1380, would not delay the confirmation of a compulsory purchase order made under the Housing Act, 1936. Do you agree with this view?

(c) Do you agree that the Town and Country Planning (General) Regulations, 1948, affect only compulsory Purchase Orders made under ss. 37 or 38 of the Town and Country Planning Act, 1947, and do not catch compulsory acquisitions under other statutes? PEEL.

Answer.

(a) No, in our opinion.

(b) We agree.

(c) We agree.

**4.—Gun Licence Act, 1870—Whether one licence sufficient when more than one gun carried.**

The wording on a licence issued under the above-mentioned Act reads "... is hereby authorized to carry and use a gun in Great Britain ..." Section 7 of the Act reads "... every person who shall use or carry a gun ..."

Bearing in mind that s. 8 of the Act states that where a gun is carried in parts by two or more persons in company each person shall be deemed to carry the gun, is it necessary for a person carrying two guns to be in possession of two licences? S.J.E.

*Answer.*

In our opinion, only one licence is necessary, see question and answer at 100 J.P.N. 237.

**5.—Husband and Wife—Maintenance order in respect of child—Continuance after age of sixteen—Application after that age.**

Please advise whether you consider a first application under s. 2 (2) of the Married Women (Maintenance) Act, 1949, can be made after the child has attained sixteen years of age and when the order in respect of the child has ceased although the order for the maintenance of the married woman is still in force. The section states—"the payments required by the order shall continue," words which do not seem apt to ensure the remaking of payments which have ceased.

S. ECHO.

*Answer.*

The order can be extended in such circumstances, *Norman v. Norman* [1950] 1 All E.R. 1082; 114 J.P. 299.

**6.—Licensing—Monopoly value of surrendered licence where new on-licence applied for—Procedure for fixing at transfer sessions.**

I shall be glad to have your opinion on the following point.

By s. 73 of the Finance Act, 1947, provision has been made for the surrender value of one licence to be set against the monopoly value to be paid on the grant of a new licence. When the application for a new licence and the surrender of an existing one is dealt with at the same general annual licensing meeting, the section seems quite clear. I am not so certain, however, about the procedure when the application to determine the surrender value of a particular house is made in advance.

In this division, a firm of brewers wish to apply at the September transfer sessions for the surrender value of a particular house to be determined. In view of the provisions of s. 73 (2) (a) (and in explanation of this paragraph see an article at 111 J.P.N. 544), must this application to determine the surrender value be identified now with a particular application for a new licence to be made at the next brewer sessions, or can such application be made, and the licence continued in force until some time between September and next February, then when application is made for the new licence reference will, of course, be made of the surrender value in the notice to be given? NAT.

*Answer.*

Section 73 of the Finance Act, 1947, has been replaced (as from November 1, 1953) by s. 7 of the Licensing Act, 1953. Subsection (4) of the section in the Act of 1947 (re-enacted in the same terms in subs. (5) of the section in the Act of 1953) enables the "surrender value" of the licence to be given up to be determined at transfer sessions.

There is no reason why the application should at this stage be identified with a particular application for a new licence in the sense that a "polished" scheme for an application for a new licence should be presented. It is sufficient, in our opinion, if the application for the determination of "surrender value" is merely identified in the vaguest terms with some application hereafter to be made.

Subsection (2) (a) of the section merely confines the application to an application for one new licence and, in our opinion, does not operate at all to impede an application for "surrender value" of an on-licence to be determined at transfer sessions in advance of the comprehensive application being made at the general annual licensing meeting.

**7.—Licensing—Special order of exemption whether "special occasion" must be an event taking place on the licensed premises.**

The holder of a justices' on-licence applies for a special order of exemption on the occasion of a farm sale being held at a farm in close proximity to the licensed house. Section 57 of the Licensing Act, 1910, which gives the local authority the discretion to grant a special exemption on a special occasion, suggests that that special occasion must be taking place on the licensed premises. Note (a) on p. 507 of *Paterson* 1953 edition, indicates that this is the view. In 19 *Halsbury* 112, para. 267 there is a note (c) which suggests that an exemption from permitted hours cannot be granted in respect of premises in the neighbourhood of a theatre for the accommodation of persons attending the same.

In the application referred to above which came before my court, the court decided that they had no power to grant the application for a special exemption because the occasion was not being held on the premises. It has since been queried as to whether or not the justices were right in their interpretation of the Act, and I shall be grateful if you will let me have your opinion. NEMO.

*Answer.*

In our opinion, it would have been within the power of justices to grant the special order of exemption: such orders are frequently granted for special occasions such as race-meetings, cricket matches and the like held in proximity to licensed premises.

The note in *Halsbury* to which our correspondent directs our attention is appended to a text which sets out the law relating to a general order of exemption, and points out that s. 55 of the Licensing (Consolidation) Act, 1910, did not re-enact that part of the repealed s. 4 of the Licensing Act, 1874, which enabled a general order of exemption to be granted for "the accommodation of any considerable number of persons attending any theatre."

Section 57 of the Licensing (Consolidation) Act, 1910 (replaced, as from November 1, 1953, by s. 107 of the Licensing Act, 1953) places no restriction upon what is to be regarded as a "special occasion"—"What is a special occasion must necessarily be a question of fact in each locality"—(*per* Lord Coleridge, C.J., in *Devine v. Keeling* (1888) 50 J.P. 551) and in our view, while the justices have a complete discretion either to grant or refuse the application on its merits, there is nothing in the statute or in decided cases which restricts their power.

**8.—Local Government—Council meeting—Motion to proceed to next business.**

May I, with respect, question the opinion in P.P. No. 11, at p. 519, *ante*.

The "amendment" never having been formally moved and seconded could not have been the "business" before the meeting and it had no more standing than a casual remark by a member. Model S.O. No. 8 provides three methods of moving the closure. If the member had moved "that the question be now put" would the chairman have ruled that the "question" was the so-called amendment which had never been moved or seconded?

It is agreed that the principle referred to in the second paragraph of the question applies where an amendment moved and seconded is the subject of debate. But even if such had been the case, the chairman's ruling that the original motion must be put immediately would have been incorrect as the debate should simply have reverted to the original motion.

It is suggested that the chairman should have ignored the so-called amendment which had not been properly moved or seconded, should have regarded the "next business" resolution as applying to the original motion, and have immediately proceeded to the next item on the agenda without putting the original motion to the vote. E.J.

*Answer.*

Certainly, the course now indicated could be regarded as technically right, for the reasons you give, but, seeing that the council had agreed to suspend the standing order for the purpose of taking a certain vote, it seems unlikely that in accepting the "next business" resolution they meant to prevent the taking of that vote. We still think therefore that, in an untidy course of procedure, the chairman probably produced the result which members intended.

**9.—Magistrates—Jurisdiction and powers—Altering sentence on late appearance of defendant or late receipt of a letter.**

I refer to P.P. 7 at p. 487, *ante*.

If, as so often happens, a defendant makes a late appearance after his case has been dealt with, whilst the court is still sitting, or a defendant writes a letter which arrives after the case has been heard, but before the court has risen, is it your opinion that in neither case can the justices re-open the case?

In re-opening a case, it has always been my practice to advise the justices that they can hear the defendant, or read his letter, merely in mitigation of the penalty already imposed, and not in any sense to re-open the case on a new plea, or even on the old one.

It seems that this is the practice envisaged in *R. v. Robson* (1893) 57 J.P. 133, mentioned at p. 239 of vol. I of the current *Stone*. J.J.J.

*Answer.*

We know of no direct authority on this point, and, logically, if a court in the circumstances outlined in the question can re-open the case to reconsider its sentence it must be able either to increase or to decrease it. We think the true view is, on *R. v. Campbell* [1953] 1 All E.R. 684, that the court is *functus officio*, but courts have from time to time reconsidered and reduced their sentences in the circumstances outlined, and will probably continue to do so unless the High Court says in terms that they may not. *R. v. Robson*, *supra*, concerned proceedings of licensing justices.

**10.—Magistrates—Practice and procedure—Justices equally divided—Dismissal of charge.**

When an equal number of justices hear a case, and are equally divided in their decision as to guilt, the normal practice appears to be to adjourn the case for re-hearing before a differently constituted bench.

We should appreciate your views as to whether instead of adjourning as above, the justices can dismiss the charge there and then, when equally divided as to guilt.

JAR.

There is authority for dismissing the charge. (*R. v. Ashplant* (1888) 52 J.P. 474.) But see also the observations of Wills, J., in *Kinnis v. Graves* (1898) 67 L.J.Q.B. 583; 19 Cox 42.

**11.—Probation—Breach of requirement—Second probation order.**

X, who at that time resided in the petty sessional division of A, was on June 26, 1952, convicted in the petty sessional division of O for an offence under s. 13 (1) of the Debtors Act, 1869, and a probation order for two years was made. X was thereby required to be under the supervision of a probation officer for the A Division and, *inter alia*, to notify forthwith to the probation officer any change of address.

Having failed to notify a change of address X was brought before the supervising court on April 7, 1953, for a breach of a requirement of the probation order.

Owing to the personal circumstances of X the A court considered it inappropriate to impose a fine under s. 6 (3) of the Criminal Justice Act, 1948, for the breach or to fine or imprison X for the original offence.

X is of somewhat low mentality and the A court therefore decided to "deal with" her under s. 6 (3) (a) for the original offence by making a new probation order for a period of three years embodying a condition of residence for a period of twelve months in a mental institution in the petty sessional division of B. This order required X to be under the supervision of a probation officer for the petty sessional division of B.

A query has now arisen whether the second probation order is valid and, if so, whether the original order should be discharged.

A court of summary jurisdiction may, in considering a breach of requirement of a probation order made by another court of summary jurisdiction, deal with the probationer for the offence in respect of which the probation order was made in any manner in which the court could deal with him if it had just convicted him of that offence (Criminal Justice Act, 1948 s. 6 (3) (a)). Only in the case of the passing of sentence, however, is the continuance of the original probation order affected (s. 5 (4)).

In my opinion s. 6 (3) (a) clearly empowers the court, for a breach, to make a new order and the difference between that subsection and s. 5 (4)—"deal with" as opposed to "sentence"—supports that interpretation. The view has, however, been expressed that a second order cannot be made as a result of a breach of an original order, on the ground that the legislature could not have intended it and a second order is nowhere specifically authorized.

A conviction followed by a probation order only ranks as a conviction in the proceedings in which the order is made or in proceedings for breaches or further offences. It is therefore right and proper in many instances that a person who has not taken advantage of the opportunity of probation should, on breach of a requirement of the probation order, receive a sentence for the original offence so that it may rank as a conviction for all purposes and particularly s. 21 of the Criminal Justice Act, 1948.

I believe that you, in a Practical Point some twelve months ago, expressed the opinion that a second order was within the letter of the section, but contrary to the spirit of the Criminal Justice Act. It seems to me that that opinion goes a little too far and that in some cases the making of a second order is the best means of "dealing with" an offence.

If it is agreed that if a second order can legally be made it does not of course automatically terminate the original order. I consider that application should be made by the probation officer to the court by which it was made for the discharge of that original order.

Your observations on the matter generally would be much appreciated.

SALT.

Our correspondent has put the case very clearly, and it may be that he is right, but we are against the making of the second probation order. We discussed the general question at p. 350 of last year's volume and at pages 597, 641 and 687 of our volume for 1951. Until the point is decided by the High Court it remains an open question.

**12.—Road Traffic Acts—Disqualification for driving "private cars"—Subsequent driving of a C licence vehicle carrying no goods and used for the same purposes as the vehicle in respect of which disqualification ordered.**

I should be grateful for your opinion on the following facts: A is employed as a labourer for five days a week and on a Saturday

he proceeds to a market town where he trades from a stall. He formerly used a motor-car with a saloon body, and taxed for private purposes, for proceeding to and from his place of employment which is some ten miles from his home, and for the conveyance of his goods when he attended market.

A was convicted of using the motor-car without having in force a policy of insurance. His solicitor asked the justices to find "special reasons" for not disqualifying. They were unable to do so, but decided to limit the disqualification to private cars, and it is understood they advised A to get himself a motor van. A bought a motor van, unladen weight one ton, which he now uses to travel to and from his place of employment, and also for the carriage of his goods to market, in fact for the same purposes as he formerly used the saloon car. He has a C licence for the vehicle.

On five occasions in one week he was seen to go to work in the van. No goods were carried, and in fact on being questioned he stated that he had never carried goods and had never, therefore, kept records of driving hours.

May I have your opinion as to:

1. Whether A has committed the offence of driving a vehicle, *i.e.*, a private car in respect of which he is disqualified? I have in mind the case of *Blenkin v. Bell* [1952] 1 All E.R. 1258; 116 J.P. 317, which, although it applied to a speeding offence, indicates that a vehicle designed primarily for the carriage of goods is not a goods vehicle when goods are not being carried, and if it is not a goods vehicle it is presumably a private vehicle.

2. Whether it will make any difference if A uses the vehicle for private purposes, conveys goods and keeps records, if it can be proved to the satisfaction of the justices that the goods are being carried otherwise than for the purpose of trade? It would be easy for him to leave goods in the vehicle from one market day to the next.

JILE.

We think the disqualification for driving private cars must attach to those vehicles which are so registered under the Vehicles (Excise) Act, 1949, and the appropriate regulations that they carry a road fund licence marked "private." We gather from the question that the van is not so registered and we think, therefore,

1. No offence has been committed.

2. No.

**13.—Water Supply—Laying service pipes—Recovery of expense.**

Before the laying of a water main in a village a public meeting was called to explain the proposal. At this meeting one of the council's officers gave an approximate estimate of the cost of laying service pipes to the various premises to be connected to the main. This estimate was 3s. 6d. per foot run but, in specifying how the amount was arrived at, the officer omitted to mention that there would be an additional item of cost in respect of the reinstatement of carriageways. The cost of this reinstatement amounts to 7d. per foot run and accounts have been forwarded to the various property owners based at the rate of 4s. 1d. per foot run. The property owners have been advised by counsel to pay the accounts at the rate of 3s. 6d. per foot run and I have received a number of cheques on this basis. Would you please advise whether the council is estopped from recovering the balance because of the omission to mention the matter of the reinstatement charge at the meeting. The persons concerned were not required to sign any form of agreement.

PAY.

Answer.

We infer that the laying of the service pipes was carried out under ss. 40 and 41 of sch. 3 to the Water Act, 1945, incorporated by the Public Health Act, 1936, s. 120, and that the meeting was a convenient way of informing persons requiring a supply of the probable cost of laying the pipes. This was not an offer to enter into a contract, but mere information as to what might be the reasonable expenses which the council are entitled to recover under s. 41, *supra*. On the present information there is, in our opinion, no estoppel.

**14.—Water Supply—Right to require the laying of a main.**

Referring to the last sentence of your reply to PP. 11 at 117 J.P. 504, my council supplies water under the provisions of the Public Health Act, 1936. By virtue of s. 31 and sch. 4 to the Water Act, 1945, the Waterworks Clauses Act, 1847, no longer applies to an authority supplying water under the Public Health Act, 1936, and s. 29 of sch. 3 to the Water Act, 1945, has not yet been applied to such an authority. It therefore appears that in no circumstances can my council be compelled to lay a "main" at the present time.

Is this view correct?

PARR.

Answer.

The liability of a local authority supplying water under the Public Health Act, 1936, to lay water mains is under ss. 111 and 119 of that Act, as amended by the Water Act, 1945, and under s. 37 of the Act of 1945, together with the definition of "statutory water undertakers" in s. 59 of that Act substituted by s. 1 of the Water Act, 1948.

## **C**HESHIRE MAGISTRATES' COURTS COMMITTEE

Altrincham Petty Sessional Division

### **Appointment of Second Assistant**

APPLICATIONS are invited for the above appointment. Applicants must have a thorough knowledge of the work of a Justices' Clerk's office, be capable of taking a Court when required, be competent Shorthand Typists and able to take Depositions by typewriter.

The salary will be in accordance with Grade II of the A.P.T. Division of the National Joint Council Scale, namely, £495—£540.

Appointment subject to (a) one calendar month's notice on either side, (b) N.J.C. Scheme of Conditions of Service, (c) Local Government Superannuation Act, (d) satisfactory medical examination.

Applications, stating age, qualifications and experience, together with the names of two referees, should be sent to J. G. Harris, Clerk to the Justices, Altrincham, not later than November 4, 1953.

**HUGH CARSWELL,**  
Clerk of the Magistrates'  
Courts Committee.

St. John's House,  
Chester.

## **C**OUNTY BOROUGH OF READING

### **Senior Assistant Solicitor**

APPLICATIONS from qualified solicitors are invited for the above position in my office. The salary will be in Grades VIII and IX of the National Scheme of Conditions of Service, and a commencing salary above the minimum may be paid to a suitable candidate.

Previous wide experience in local government (including the making of compulsory purchase orders, and the preparation of contracts for public works) is desirable.

Applications, which must contain the names and addresses of two persons to whom reference can be made, must reach me by October 30, 1953.

**G. F. DARLOW,**  
Town Clerk.

Town Hall,  
Reading.  
October 16, 1953.

## **C**ITY OF LEICESTER

### **Appointment of Deputy Town Clerk**

APPLICATIONS are invited from Solicitors experienced in municipal law and practice for the above appointment.

Salary £1,850 rising by two annual increments of £100 and one of £50 to £2,100 per annum.

The successful applicant will be required to pass a medical examination.

Applications, stating age, full details of experience and qualifications, and the names and addresses of three persons to whom reference can be made, are to be sent to me not later than Wednesday, November 4, 1953.

**KENNETH GOODACRE,**  
Town Clerk.

Town Hall,  
Leicester.

## **L**INCOLNSHIRE (PARTS OF HOLLAND) MAGISTRATES' COURTS COMMITTEE

### **Appointment of Justices' Clerk**

APPLICATIONS are invited from persons qualified in accordance with s. 20 of the Justices of the Peace Act, 1949, for the part-time appointment of Clerk to the Justice for the Magistrates' Courts of Holbeach and Long Sutton in the Petty Sessional Division of Elloe covering an area within the population group 20,000—29,999.

The salary will be such as the Committee may determine within the appropriate scale agreed to by the Joint Negotiating Committee for Justices' Clerks on July 14, 1953.

The appointment will be superannuable and subject to three months' notice on either side.

Applications, giving age, qualifications and experience, together with the names of two persons to whom reference can be made, must be received by me not later than November 10, 1953.

**H. C. MARRIS,**  
Clerk of the Magistrates' Courts  
Committee.

County Hall,  
Boston,  
Lincs.

## **C**ITY OF COVENTRY

### **Appointment of**

- (1) Full-time Male Probation Officer
- (2) Full-time Female Probation Officer

APPLICATIONS are invited for the above appointments as Probation Officers. The appointments are subject to the Probation Rules.

Applications, with copies of two testimonials, should be submitted to the undersigned not later than November 13, 1953.

**A. N. MURDOCH,**  
Secretary of the Probation  
Committee.

St. Mary's Hall,  
Coventry.

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## **C**ITY OF SHEFFIELD

Sheffield Magistrates' Courts Committee

### **Appointment of Assistant Solicitor**

THE Magistrates' Courts Committee invite applications for the whole-time appointment of SECOND ASSISTANT SOLICITOR in the office of the Clerk to the Justices.

The salary will commence at £895 per annum and will rise by two annual increments of £40 and one of £50 to a maximum of £1,025 per annum.

The appointment will be superannuable and will be subject to one month's notice on either side.

The successful candidate will be required to pass a medical examination.

Applications, with details of age, date of admission, qualifications and experience, accompanied by copies of not more than three recent testimonials, must reach the undersigned by October 30, 1953.

**LESLIE M. PUGH,**  
Clerk to the Committee.

The Court House,  
Castle Street,  
Sheffield 3.

## **C**OUNTY BOROUGH OF BOLTON MAGISTRATES' COURTS COMMITTEE

### **Appointment of Clerk to the Justices**

APPLICATIONS are invited from Barristers or Solicitors duly qualified under the provisions of the Justices of the Peace Act, 1949, for the appointment of part-time Clerk to the Justices at a salary in accord with the recommendations of the Joint Negotiating Committee for Justices' Clerks in respect of part-time Justices' Clerks, of £1,050 per annum rising by four annual increments of £50 to a maximum of £1,250. The estimated population of the County Borough is 167,000.

The person appointed will be required to attend to the duties of the office on a part-time basis and to take full responsibility for the organization and management of the Justices' Clerk's Department.

Applications, giving particulars of age, qualifications, full details of experience and the names of three persons to whom reference may be made, and endorsed "Clerk to the Justices," must be sent addressed to The Chairman, Magistrates' Courts Committee, Magistrates' Clerk's Office, The Courts, Bolton, and be received not later than November 4, 1953.

The Courts, Bolton.

## **C**OUNTY OF ESSEX

APPLICATIONS invited for established post of Assistant Solicitor in Office of County Clerk. Applicants must be admitted solicitors; experience of Town and Country Planning Acts, National Parks and Access to the Countryside Act and Local Land Charges an advantage. Salary will be fixed in accordance with qualifications and experience of the applicant appointed but will not exceed £785 a year. Post superannuable. Medical examination necessary. Canvassing forbidden. Applications, stating age, education, qualifications and experience, with typewritten copies of not more than three recent testimonials (which will not be returned), should be sent as soon as possible to County Clerk, County Hall, Chelmsford.

## REGISTER OF LAND AND ESTATE AGENTS, AUCTIONEERS, VALUERS AND SURVEYORS

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**CHESTER**.—HARPER, WEBB & CO., Chartered Surveyors, Rating Specialists, 35 White Friars, Chester. Tel. 20685.

### DEVON

**EXETER**.—RIPPON, BOSWELL & CO., F.A.I., 8 Queen Street, Exeter. Est. 1884. Tels. 3204 and 3592.

### ESSEX

**ILFORD AND ALL ESSEX**.—RANDALLS, Chartered Surveyors, Auctioneers, Valuers, 1 Medway Parade, Cranbrook Rd., Ilford. Est. 1884. Tel. ILFord 2201 (3 lines).

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### KENT

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